

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0108.01 Christy Chase

SENATE BILL 07-024

SENATE SPONSORSHIP

Williams,

HOUSE SPONSORSHIP

Riesberg,

Senate Committees
Business, Labor and Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF ATHLETIC TRAINERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the "Athletic Trainer Practice Act" (act). Requires an athletic trainer to obtain and possess a valid license issued by the director of the division of registrations in the department of regulatory agencies (director) before engaging in the practice of athletic training or representing himself or herself as an athletic trainer. Specifies the criteria for licensure. Allows the director to issue a temporary permit to an applicant whose application presents prima facie evidence of compliance with the licensure criteria. Authorizes the director to establish a schedule of renewal dates and requires renewal of the license in accordance with

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

1 WITHIN THE PERSON'S SCOPE OF COMPETENCY AND AUTHORITY UNDER
2 THOSE LAWS.

3 **12-29.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM"
6 MEANS A PROGRAM OF INSTRUCTION IN ATHLETIC TRAINING THAT IS
7 ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING AGENCY OR
8 DETERMINED BY THE DIRECTOR TO BE SUBSTANTIALLY EQUIVALENT TO AN
9 ACCREDITED PROGRAM.

10 (2) "ADVISORY COMMITTEE" MEANS THE COMMITTEE FORMED IN
11 ACCORDANCE WITH SECTION 12-29.7-113.

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

18 (4) (a) "ATHLETIC TRAINING" MEANS THE PERFORMANCE,
19 PURSUANT TO THE DIRECTION OF A LICENSED PHYSICIAN OR DENTIST, OF
20 THOSE SERVICES THAT REQUIRE THE EDUCATION, TRAINING, AND
21 EXPERIENCE REQUIRED BY THIS ARTICLE FOR LICENSING AS AN ATHLETIC
22 TRAINER PURSUANT TO SECTION 12-29.7-107. THE TERM INCLUDES
23 SERVICES APPROPRIATE FOR THE PREVENTION, RECOGNITION, ASSESSMENT,
24 MANAGEMENT, TREATMENT, REHABILITATION, AND RECONDITIONING OF
25 INJURIES AND ILLNESSES SUSTAINED BY AN ATHLETE:

26 (I) ENGAGED IN SPORTS, GAMES, RECREATION, OR EXERCISE
27 REQUIRING PHYSICAL STRENGTH, FLEXIBILITY, RANGE OF MOTION, SPEED,

1 STAMINA, OR AGILITY; OR
2 (II) THAT AFFECT AN ATHLETE'S PARTICIPATION OR PERFORMANCE
3 IN SUCH SPORTS, GAMES, RECREATION, OR EXERCISE.
4 (b) "ATHLETIC TRAINING" INCLUDES:
5 (I) THE PLANNING, ADMINISTRATION, EVALUATION, AND
6 MODIFICATION OF METHODS FOR PREVENTION AND RISK MANAGEMENT OF
7 INJURIES AND ILLNESSES;
8 (II) THE IDENTIFICATION AND APPROPRIATE CARE AND REFERRAL
9 OF MEDICAL CONDITIONS AND DISABILITIES ASSOCIATED WITH ATHLETES;
10 (III) THE RECOGNITION, ASSESSMENT, TREATMENT, MANAGEMENT,
11 AND APPROPRIATE REFERRAL OF INJURIES AND ILLNESSES;
12 (IV) THE USE OF THERAPEUTIC MODALITIES FOR WHICH THE
13 ATHLETIC TRAINER HAS RECEIVED APPROPRIATE TRAINING AND
14 EDUCATION;
15 (V) THE USE OF CONDITIONING AND REHABILITATIVE EXERCISE;
16 (VI) THE USE OF TOPICAL PHARMACOLOGICAL AGENTS, IN
17 CONJUNCTION WITH THE ADMINISTRATION OF THERAPEUTIC MODALITIES
18 AND PURSUANT TO PRESCRIPTIONS ISSUED IN ACCORDANCE WITH THE
19 LAWS OF THIS STATE, FOR WHICH THE ATHLETIC TRAINER HAS RECEIVED
20 APPROPRIATE TRAINING AND EDUCATION;
21 (VII) THE EDUCATION AND COUNSELING OF ATHLETES
22 CONCERNING THE PREVENTION AND CARE OF INJURIES AND ILLNESSES;
23 (VIII) THE EDUCATION AND COUNSELING OF THE GENERAL PUBLIC
24 WITH RESPECT TO ATHLETIC TRAINING SERVICES;
25 (IX) THE REFERRAL OF AN ATHLETE RECEIVING ATHLETIC
26 TRAINING SERVICES TO APPROPRIATE HEALTH CARE PERSONNEL AS
27 NEEDED; AND

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

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

7 (5) "DIRECTION OF A PHYSICIAN OR DENTIST" MEANS THE
8 PLANNING OF SERVICES WITH A PHYSICIAN OR DENTIST, THE DEVELOPMENT
9 AND APPROVAL BY THE PHYSICIAN OR DENTIST OF PROCEDURES AND
10 PROTOCOLS TO BE FOLLOWED IN THE EVENT OF AN INJURY OR ILLNESS, THE
11 MUTUAL REVIEW OF THE PROTOCOLS ON A PERIODIC BASIS, AND THE
12 APPROPRIATE CONSULTATION AND REFERRAL BETWEEN THE PHYSICIAN OR
13 DENTIST AND THE ATHLETIC TRAINER.

14 (6) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

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

18 (8) "LICENSEE" MEANS AN ATHLETIC TRAINER LICENSED PURSUANT
19 TO THIS ARTICLE.

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

23 **12-29.7-104. Use of titles restricted.** ONLY A PERSON LICENSED
24 AS AN ATHLETIC TRAINER MAY USE THE TITLE "ATHLETIC TRAINER" OR
25 "LICENSED ATHLETIC TRAINER", THE LETTERS "A.T." OR "L.A.T.", OR ANY
26 OTHER GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT
27 INDICATE THAT THE PERSON IS AN ATHLETIC TRAINER.

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

7 (2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO
8 AUTHORIZE AN ATHLETIC TRAINER TO TREAT A DISEASE OR CONDITION
9 THAT IS NOT RELATED TO A PERSON'S PARTICIPATION IN SPORTS, GAMES,
10 RECREATION, OR EXERCISE, BUT THE ATHLETIC TRAINER SHALL TAKE SUCH
11 DISEASE OR CONDITION INTO ACCOUNT IN PROVIDING ATHLETIC TRAINING
12 SERVICES AND SHALL CONSULT WITH A PHYSICIAN AS APPROPRIATE
13 REGARDING SUCH DISEASE OR CONDITION.

14 **12-29.7-106. License required.** EXCEPT AS OTHERWISE
15 PROVIDED IN THIS ARTICLE, A PERSON SHALL NOT PRACTICE ATHLETIC
16 TRAINING OR REPRESENT HIMSELF OR HERSELF AS BEING ABLE TO
17 PRACTICE ATHLETIC TRAINING IN THIS STATE WITHOUT POSSESSING A
18 VALID LICENSE ISSUED BY THE DIRECTOR IN ACCORDANCE WITH THIS
19 ARTICLE AND ANY RULES ADOPTED UNDER THIS ARTICLE.

20 **12-29.7-107. Requirements for licensure - reciprocity - renewal - reinstatement - fee.** (1) EVERY APPLICANT FOR A LICENSE TO
21 PRACTICE ATHLETIC TRAINING SHALL HAVE:

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

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

26 (c) (I) PASSED A COMPETENCY EXAMINATION ADMINISTERED BY
27

1 A NATIONAL CERTIFYING AGENCY THAT HAS BEEN APPROVED BY THE
2 DIRECTOR AFTER CONSULTATION WITH THE ADVISORY COMMITTEE AND
3 PROVIDED EVIDENCE OF CURRENT CERTIFICATION BY THE AGENCY; OR

4 (II) PASSED A COMPETENCY EXAMINATION DEVELOPED AND
5 ADMINISTERED BY THE DIRECTOR AFTER CONSULTATION WITH THE
6 ADVISORY COMMITTEE;

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

9 (e) PAID A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

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

15 (3) THE DIRECTOR SHALL ISSUE A LICENSE TO PRACTICE ATHLETIC
16 TRAINING TO AN APPLICANT WHO OTHERWISE MEETS THE QUALIFICATIONS
17 OF THIS ARTICLE AND WHO SUBMITS SATISFACTORY PROOF AND CERTIFIES
18 UNDER PENALTY OF PERJURY THAT THE APPLICANT CURRENTLY POSSESSES
19 AN UNRESTRICTED LICENSE IN GOOD STANDING TO PRACTICE ATHLETIC
20 TRAINING UNDER THE LAWS OF ANOTHER STATE OR TERRITORY OF THE
21 UNITED STATES OR A FOREIGN COUNTRY IF:

22 (a) THE DIRECTOR DETERMINES THAT THE QUALIFICATIONS FOR
23 LICENSURE IN THE OTHER STATE, TERRITORY, OR FOREIGN COUNTRY ARE
24 SUBSTANTIALLY EQUIVALENT TO THE LICENSURE REQUIREMENTS IN THIS
25 ARTICLE; AND

26 (b) THE APPLICANT HAS NOT BEEN SUBJECT TO A DISCIPLINARY
27 ACTION WITH REGARD TO THE APPLICANT'S ATHLETIC TRAINING LICENSE

1 ISSUED BY THE OTHER STATE, TERRITORY, OR FOREIGN COUNTRY.

2

3 (4) (a) A LICENSEE SHALL BE REQUIRED TO RENEW THE LICENSE
4 ISSUED UNDER THIS ARTICLE ACCORDING TO A SCHEDULE OF RENEWAL
5 DATES ESTABLISHED BY THE DIRECTOR. THE APPLICANT FOR RENEWAL OF
6 A LICENSE SHALL SUBMIT AN APPLICATION IN THE FORM AND MANNER
7 DESIGNATED BY THE DIRECTOR AND SHALL PAY A RENEWAL FEE IN AN
8 AMOUNT DETERMINED BY THE DIRECTOR.

9 (b) LICENSES SHALL BE RENEWED OR REINSTATED IN ACCORDANCE
10 WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND SUCH RENEWAL
11 OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO SECTION 24-34-102
12 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND
13 DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION
14 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE
15 PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE
16 LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL
17 BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION
18 24-34-102 (8), C.R.S.

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

23 **12-29.7-108. Scope of article - exclusions - authority for**
24 **clinical setting.** (1) NOTHING CONTAINED IN THIS ARTICLE SHALL
25 PROHIBIT:

26 (a) THE PRACTICE OF ATHLETIC TRAINING THAT IS AN INTEGRAL
27 PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN AN

1 ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM. STUDENTS
2 ENROLLED IN AN ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM
3 SHALL BE IDENTIFIED AS "STUDENT ATHLETIC TRAINERS" AND SHALL ONLY
4 PRACTICE ATHLETIC TRAINING UNDER THE DIRECTION AND IMMEDIATE
5 SUPERVISION OF AN ATHLETIC TRAINER CURRENTLY LICENSED UNDER THIS
6 ARTICLE. A STUDENT ATHLETIC TRAINER SHALL NOT HOLD HIMSELF OR
7 HERSELF OUT AS AN ATHLETIC TRAINER.

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

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

17 (I) ADMINISTERING ATHLETIC TRAINING SERVICES TO AN ATHLETE
18 WHO IS A MEMBER OF A BONA FIDE PROFESSIONAL OR AMATEUR SPORTS
19 ORGANIZATION OR TO AN ATHLETE WHO IS A MEMBER OF A SPORTS TEAM
20 OF AN ACCREDITED EDUCATIONAL INSTITUTION, IF THE PERSON ACTS IN
21 ACCORDANCE WITH RULES ESTABLISHED BY THE DIRECTOR AFTER
22 CONSULTATION WITH THE ADVISORY COMMITTEE AND ENGAGES IN THE
23 UNLICENSED PRACTICE OF ATHLETIC TRAINING FOR NO MORE THAN NINETY
24 DAYS IN ANY CALENDAR YEAR; OR

25 (II) PARTICIPATING IN AN EDUCATIONAL PROGRAM OF NOT MORE
26 THAN TWELVE WEEKS' DURATION. UPON WRITTEN APPLICATION BY THE
27 PERSON PRIOR TO THE EXPIRATION OF SUCH TWELVE-WEEK PERIOD, THE

1 DIRECTOR MAY GRANT AN EXTENSION OF TIME.

2

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

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

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

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

21 (4) A LICENSED ATHLETIC TRAINER MAY PROVIDE ATHLETIC
22 TRAINING SERVICES IN A CLINICAL SETTING TO A PERSON WHO IS NOT AN
23 ATHLETE, AS DEFINED IN SECTION 12-29.7-103 (3), IF THE ATHLETIC
24 TRAINER IS UNDER THE DIRECTION AND SUPERVISION OF A PHYSICIAN,
25 DENTIST, OR LICENSED HEALTH CARE PROFESSIONAL WHO TREATS SPORTS
26 OR MUSCULOSKELETAL INJURIES. AS USED IN THIS SUBSECTION (4),
27 "DIRECTION AND SUPERVISION" MEANS THE ISSUANCE OF WRITTEN OR

1 ORAL DIRECTIVES BY THE PHYSICIAN, DENTIST, OR LICENSED HEALTH CARE
2 PROFESSIONAL TO THE LICENSED ATHLETIC TRAINER PERTAINING TO THE
3 ATHLETIC TRAINING SERVICES TO BE PROVIDED.

4 **12-29.7-109. Grounds for discipline - disciplinary proceedings.**

5 (1) THE DIRECTOR MAY TAKE DISCIPLINARY ACTION AGAINST A LICENSEE
6 IF THE DIRECTOR FINDS THAT THE LICENSEE HAS REPRESENTED HIMSELF OR
7 HERSELF AS A LICENSED ATHLETIC TRAINER AFTER THE EXPIRATION,
8 SUSPENSION, OR REVOCATION OF HIS OR HER LICENSE.

9 (2) THE DIRECTOR MAY REVOKE, SUSPEND, DENY, OR REFUSE TO
10 RENEW A LICENSE, PLACE A LICENSEE ON PROBATION, OR ISSUE A CEASE
11 AND DESIST ORDER OR LETTER OF ADMONITION TO A LICENSEE IN
12 ACCORDANCE WITH THIS SECTION UPON PROOF THAT THE LICENSEE:

13 (a) HAS COMMITTED AN ACT THAT DOES NOT MEET GENERALLY
14 ACCEPTED STANDARDS OF ATHLETIC TRAINING PRACTICE OR HAS FAILED
15 TO PERFORM AN ACT NECESSARY TO MEET GENERALLY ACCEPTED
16 STANDARDS OF ATHLETIC TRAINING PRACTICE;

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

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

23 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING
24 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN
25 TERMINATION OF TREATMENT. WHEN AN INDIVIDUAL RECEIVING SERVICES
26 IS AN ATHLETE PARTICIPATING ON A SPORTS TEAM OPERATED UNDER THE
27 AUSPICES OF A BONA FIDE AMATEUR SPORTS ORGANIZATION OR AN

1 ACCREDITED EDUCATIONAL INSTITUTION THAT EMPLOYS THE LICENSEE,
2 THE THERAPEUTIC RELATIONSHIP EXISTS FROM THE TIME THE ATHLETE
3 BECOMES AFFILIATED WITH THE TEAM UNTIL THE AFFILIATION ENDS OR
4 THE ATHLETIC TRAINER TERMINATES THE PROVISION OF ATHLETIC
5 TRAINING SERVICES TO THE TEAM, WHICHEVER OCCURS FIRST.

6 (c) HAS FAILED TO PROVIDE A REFERRAL TO ANOTHER ATHLETIC
7 TRAINER OR TO OTHER APPROPRIATE HEALTH CARE PRACTITIONERS WHEN
8 PROVIDING THE REFERRAL IS NECESSARY TO MEET GENERALLY ACCEPTED
9 STANDARDS OF ATHLETIC TRAINING PRACTICE;

10 (d) HAS FAILED TO REFER A PERSON TO AN APPROPRIATE LICENSED
11 HEALTH CARE PROVIDER WHEN THE SERVICES REQUIRED ARE BEYOND THE
12 SCOPE OF PRACTICE OR LEVEL OF COMPETENCE OF THE ATHLETIC TRAINER;

13 (e) HAS FAILED TO PROVIDE ADEQUATE OR PROPER SUPERVISION
14 TO STUDENT ATHLETIC TRAINERS ACTING UNDER THE DIRECTION OF THE
15 LICENSEE;

16 (f) HAS FAILED TO KEEP APPROPRIATE RECORDS OR HAS FALSIFIED
17 OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON SUCH
18 RECORDS;

19 (g) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS
20 ATTEMPTED TO OBTAIN OR HAS OBTAINED A LICENSE BY FRAUD,
21 DECEPTION, OR MISREPRESENTATION;

22 (h) IS AN EXCESSIVE OR HABITUAL USER OR ABUSER OF ALCOHOL
23 OR HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED
24 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S., OR OTHER
25 DRUGS HAVING SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE
26 DISCRETION NOT TO DISCIPLINE THE LICENSEE IF HE OR SHE IS
27 PARTICIPATING IN GOOD FAITH IN A PROGRAM TO END SUCH USE OR ABUSE

1 THAT THE DIRECTOR HAS APPROVED;

2 (i) HAS A PHYSICAL OR MENTAL CONDITION OR DISABILITY THAT
3 RENDERS THE LICENSEE UNABLE TO PROVIDE ATHLETIC TRAINING
4 SERVICES WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER
5 THE HEALTH OR SAFETY OF INDIVIDUALS RECEIVING SERVICES;

6 (j) HAS FAILED OR REFUSED TO COMPLY WITH A CONDITION OF
7 LICENSE REINSTATEMENT IMPOSED BY THE DIRECTOR PURSUANT TO
8 SUBSECTION (7) OF THIS SECTION;

9 (k) HAS FAILED TO NOTIFY THE DIRECTOR, IN WRITING, OF THE
10 ENTRY OF A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION
11 IN FAVOR OF ANY PARTY AND AGAINST THE LICENSEE FOR MALPRACTICE
12 OF ATHLETIC TRAINING OR ANY SETTLEMENT BY THE LICENSEE IN
13 RESPONSE TO CHARGES OR ALLEGATIONS OF MALPRACTICE OF ATHLETIC
14 TRAINING. THE NOTICE SHALL BE GIVEN WITHIN NINETY DAYS AFTER THE
15 ENTRY OF THE JUDGMENT OR SETTLEMENT AND, IN THE CASE OF A
16 JUDGMENT, SHALL CONTAIN THE NAME OF THE COURT, THE CASE NUMBER,
17 AND THE NAMES OF ALL PARTIES TO THE ACTION.

18 (l) HAS VIOLATED THIS ARTICLE OR AIDED OR ABETTED OR
19 KNOWINGLY PERMITTED ANY PERSON TO VIOLATE THIS ARTICLE, A RULE
20 ADOPTED UNDER THIS ARTICLE, OR ANY LAWFUL ORDER OF THE DIRECTOR;

21 (m) HAS BEEN DISCIPLINED IN ANY WAY BY A NATIONAL
22 CERTIFYING AGENCY OR BY A REGULATORY AGENCY OF ANOTHER STATE;

23 (n) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO
24 CONTENDERE TO A FELONY OR ANY CRIME DEFINED IN TITLE 18, C.R.S.,
25 THAT RELATES TO THE LICENSEE'S EMPLOYMENT AS AN ATHLETIC TRAINER.
26 A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT
27 JURISDICTION OF THE CONVICTION OR PLEA SHALL BE PRIMA FACIE

1 EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE
2 DISCIPLINARY ACTION, THE DIRECTOR SHALL BE GOVERNED BY SECTION
3 24-5-101, C.R.S.

4 (o) HAS FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD ANY
5 ATHLETIC TRAINING DIPLOMA, CERTIFICATE, LICENSE, RENEWAL OF
6 LICENSE, OR RECORD OR AIDED OR ABETTED SUCH ACT;

7 (p) HAS ADVERTISED, REPRESENTED, OR HELD ONESELF OUT, IN
8 ANY MANNER, AS AN ATHLETIC TRAINER OR PRACTICED ATHLETIC
9 TRAINING UNLESS LICENSED OR EXEMPT UNDER THIS ARTICLE;

10 (q) HAS USED IN CONNECTION WITH THE PERSON'S NAME ANY
11 DESIGNATION TENDING TO IMPLY THAT THE PERSON IS AN ATHLETIC
12 TRAINER WITHOUT BEING LICENSED OR EXEMPT UNDER THIS ARTICLE;

13 (r) HAS PRACTICED ATHLETIC TRAINING DURING THE TIME THE
14 PERSON'S LICENSE WAS EXPIRED, SUSPENDED, OR REVOKED;

15 (s) HAS KNOWINGLY EMPLOYED A PERSON AS AN ATHLETIC
16 TRAINER WHEN THE PERSON WAS NOT LICENSED UNDER THIS ARTICLE;

17 (t) HAS PRACTICED ATHLETIC TRAINING WITHOUT A LICENSE;

18 (u) HAS FAILED TO NOTIFY THE DIRECTOR OF THE SUSPENSION,
19 PROBATION, OR REVOCATION OF THE PERSON'S PAST OR CURRENTLY HELD
20 LICENSE, CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE
21 ATHLETIC TRAINING IN THIS OR ANY OTHER JURISDICTION;

22 (v) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL
23 EXAMINATION WHEN SO ORDERED BY THE BOARD PURSUANT TO SECTION
24 12-29.7-110; OR

25 (w) HAS OTHERWISE VIOLATED ANY PROVISION OF THIS ARTICLE.

26 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
27 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE

1 GROUND FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER
2 SUCH ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF
3 DISCIPLINARY SANCTIONS TO BE IMPOSED.

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

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

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

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

1 VIOLATION OF THIS ARTICLE.

2 (b) (I) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND
3 THIS ARTICLE, THE DIRECTOR IS AUTHORIZED TO INVESTIGATE, HOLD
4 HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS RELATED TO THE
5 EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES OF THE
6 DIRECTOR.

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

16 (III) UPON FAILURE OF ANY WITNESS OR LICENSEE TO COMPLY
17 WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN
18 WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS
19 BUSINESS, UPON APPLICATION BY THE DIRECTOR WITH NOTICE TO THE
20 SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR
21 LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR
22 BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS,
23 RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR
24 TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN
25 QUESTION. IF THE PERSON OR LICENSEE FAILS TO OBEY THE ORDER OF THE
26 COURT, THE PERSON OR LICENSEE MAY BE HELD IN CONTEMPT OF COURT.

27 (c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE

1 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT
2 HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT SUCH FINDINGS
3 TO THE DIRECTOR.

4 (7) IF THE DIRECTOR FINDS THE CHARGES PROVED AND ORDERS
5 THAT DISCIPLINE BE IMPOSED, THE DIRECTOR MAY REQUIRE, AS A
6 CONDITION OF LICENSURE, THAT THE LICENSEE TAKE SUCH THERAPY OR
7 COURSES OF TRAINING OR EDUCATION AS MAY BE NEEDED TO CORRECT
8 ANY DEFICIENCY FOUND.

9 (8) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING
10 AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS
11 TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY
12 PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE
13 IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR
14 HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS
15 DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH
16 INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER
17 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE
18 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE
19 REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS
20 WARRANTED BY THE FACTS.

21 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A
22 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE
23 PROCEEDING PURSUANT TO THIS SECTION SHALL BE IMMUNE FROM ANY
24 CIVIL OR CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON
25 OF THE PARTICIPATION.

26 (9) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL
27 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11),

1 C.R.S. A JUDICIAL PROCEEDING TO ENFORCE AN ORDER OF THE DIRECTOR
2 MAY BE INSTITUTED IN ACCORDANCE WITH SECTION 24-4-106, C.R.S.

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

7 (11) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
8 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
9 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
10 BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY
11 BE ISSUED AND SENT TO THE LICENSEE BY CERTIFIED MAIL.

12 (b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR TO
13 A LICENSEE, THE LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE
14 RIGHT TO REQUEST THAT FORMAL DISCIPLINARY PROCEEDINGS BE
15 INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH
16 THE LETTER OF ADMONITION IS BASED. THE LICENSEE SHALL MAKE THE
17 REQUEST IN WRITING WITHIN TWENTY DAYS AFTER RECEIPT OF THE
18 LETTER.

19 (c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE
20 LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER
21 SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

22 (12) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
23 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE
24 DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT
25 SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF
26 POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO
27 SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF

1 CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE.

2 (13) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
3 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
4 WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY
5 A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

6 (14) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
7 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
8 A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE
9 HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS
10 ACTED WITHOUT THE REQUIRED LICENSE, THE DIRECTOR MAY ISSUE AN
11 ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET
12 FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE
13 FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE
14 REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES
15 IMMEDIATELY CEASE.

16 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
17 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (14), THE
18 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
19 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE
20 HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND
21 24-4-105, C.R.S.

22 (15) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
23 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
24 A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, IN
25 ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE,
26 THE DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS
27 TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE

1 PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED
2 PRACTICE.

3 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
4 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15)
5 SHALL BE NOTIFIED PROMPTLY BY THE DIRECTOR OF THE ISSUANCE OF THE
6 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL
7 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
8 HEARING ON THE ORDER. THE NOTICE MAY BE SERVED ON THE PERSON
9 AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL SERVICE, BY
10 FIRST-CLASS, POSTAGE PREPAID UNITED STATES MAIL, OR IN ANOTHER
11 MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN
12 ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b) SHALL
13 CONSTITUTE NOTICE OF THE ORDER TO THE PERSON.

14 (c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE HELD
15 NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS
16 AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY
17 THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (15).
18 THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED
19 UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE
20 MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT
21 SHALL THE HEARING BE HELD LATER THAN SIXTY CALENDAR DAYS AFTER
22 THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

23 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
24 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15) DOES
25 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
26 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON
27 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (15) AND SUCH OTHER

1 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS
2 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS
3 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
4 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME
5 FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL
6 BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

7 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
8 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
9 HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO
10 ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS
11 ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING
12 THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR
13 UNLICENSED PRACTICES.

14 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
15 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (15), OF THE FINAL CEASE
16 AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING
17 CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST
18 WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED
19 PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE
20 EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF
21 JUDICIAL REVIEW.

22 (16) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
23 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR
24 IS ABOUT TO ENGAGE IN AN UNLICENSED ACT OR PRACTICE; AN ACT OR
25 PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE
26 PROMULGATED PURSUANT TO THIS ARTICLE, OR AN ORDER ISSUED
27 PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING

1 GROUND FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE,
2 THE DIRECTOR MAY ENTER INTO A STIPULATION WITH THE PERSON.

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

10 (18) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST
11 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION
12 OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (9) OF
13 THIS SECTION.

14 **12-29.7-110. Mental and physical examination of licensees.**

15 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
16 LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY,
17 THE DIRECTOR MAY ORDER THE LICENSEE TO TAKE A MENTAL OR PHYSICAL
18 EXAMINATION ADMINISTERED BY A PHYSICIAN OR OTHER LICENSED
19 HEALTHCARE PROFESSIONAL DESIGNATED BY THE DIRECTOR. UNLESS DUE
20 TO CIRCUMSTANCES BEYOND THE LICENSEE'S CONTROL, IF THE LICENSEE
21 REFUSES TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION, THE
22 DIRECTOR MAY SUSPEND THE LICENSEE'S LICENSE UNTIL THE RESULTS OF
23 THE EXAMINATION ARE KNOWN AND THE DIRECTOR HAS MADE A
24 DETERMINATION OF THE LICENSEE'S FITNESS TO PRACTICE. THE DIRECTOR
25 SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL MAKE HIS
26 OR HER DETERMINATION IN A TIMELY MANNER.

27 (2) AN ORDER REQUIRING A LICENSEE TO UNDERGO A MENTAL OR

1 PHYSICAL EXAMINATION SHALL CONTAIN THE BASIS OF THE DIRECTOR'S
2 REASONABLE CAUSE TO BELIEVE THAT THE LICENSEE IS UNABLE TO
3 PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR PURPOSES OF A
4 DISCIPLINARY PROCEEDING AUTHORIZED UNDER THIS ARTICLE, THE
5 LICENSEE SHALL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS TO THE
6 ADMISSIBILITY OF THE EXAMINING PHYSICIAN'S OR LICENSED HEALTH CARE
7 PROFESSIONAL'S TESTIMONY OR EXAMINATION REPORTS ON THE GROUND
8 THAT THEY ARE PRIVILEGED COMMUNICATIONS.

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

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

21 **12-29.7-111. Unauthorized practice - penalties.** A PERSON WHO
22 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ATHLETIC TRAINING
23 WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE COMMITS A
24 CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
25 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE. FOR THE SECOND OR ANY
26 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
27 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

1 **12-29.7-112. Rule-making authority.** THE DIRECTOR SHALL, IN
2 CONSULTATION WITH THE ADVISORY COMMITTEE, PROMULGATE RULES
3 THAT MAY BE NECESSARY FOR THE ADMINISTRATION OF THIS ARTICLE.

4 **12-29.7-113. Advisory committee - repeal.** (1) THE DIRECTOR
5 SHALL APPOINT AN ADVISORY COMMITTEE OF AT LEAST SEVEN MEMBERS
6 TO ASSIST IN THE PERFORMANCE OF THE DIRECTOR'S DUTIES UNDER THIS
7 ARTICLE. FOUR MEMBERS SHALL BE ATHLETIC TRAINERS REPRESENTING,
8 TO THE EXTENT POSSIBLE, DIVERSE PRACTICE SETTINGS; ONE MEMBER
9 SHALL BE A LICENSED PHYSICIAN; AND TWO MEMBERS SHALL REPRESENT
10 THE PUBLIC AND HAVE NO FINANCIAL OR OTHER RELATIONSHIP TO
11 ATHLETIC TRAINING. THE COMMITTEE SHALL MEET AT LEAST THREE TIMES
12 DURING THE FIRST YEAR OF ITS EXISTENCE AND AT LEAST SEMIANNUALLY
13 THEREAFTER. MEMBERS OF THE ADVISORY COMMITTEE SHALL NOT
14 RECEIVE COMPENSATION FOR THEIR SERVICES BUT SHALL BE REIMBURSED
15 FOR ACTUAL AND NECESSARY EXPENSES THEY MAY INCUR IN THE
16 PERFORMANCE OF THEIR DUTIES. THE REIMBURSEMENT SHALL BE PAID
17 FROM FEES COLLECTED PURSUANT TO THIS ARTICLE AND SHALL NOT
18 EXCEED THE AMOUNT ANTICIPATED TO BE RAISED FROM SUCH FEES.

19 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2017. PRIOR TO
20 SUCH REPEAL, THE ADVISORY COMMITTEE SHALL BE REVIEWED PURSUANT
21 TO SECTION 2-3-1203, C.R.S.

22 **12-29.7-114. Professional liability insurance required.** IT IS
23 UNLAWFUL FOR ANY PERSON TO PRACTICE ATHLETIC TRAINING IN THIS
24 STATE UNLESS THE PERSON IS COVERED BY A PROFESSIONAL LIABILITY
25 INSURANCE POLICY OR THE EQUIVALENT IN AN AMOUNT NOT LESS THAN
26 ONE HUNDRED THOUSAND DOLLARS PER CLAIM WITH AN AGGREGATE
27 LIABILITY LIMIT FOR ALL CLAIMS DURING THE YEAR OF AT LEAST THREE

1 HUNDRED THOUSAND DOLLARS. THE PROFESSIONAL LIABILITY INSURANCE
2 REQUIRED BY THIS SECTION SHALL COVER ALL ACTS WITHIN THE SCOPE OF
3 THE PRACTICE OF ATHLETIC TRAINING AS DEFINED IN THIS ARTICLE.

4 **12-29.7-115. Severability.** IF ANY PROVISION OF THIS ARTICLE IS
5 HELD TO BE INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER
6 PROVISIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE
7 INVALID PROVISION.

8 **12-29.7-116. Repeal of article - review of functions.** THIS
9 ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2017, AND THE POWERS, DUTIES,
10 AND FUNCTIONS OF THE DIRECTOR SPECIFIED IN THIS ARTICLE ARE
11 REPEALED ON SAID DATE. PRIOR TO SUCH REPEAL, SUCH POWERS, DUTIES,
12 AND FUNCTIONS SHALL BE REVIEWED AS PROVIDED IN SECTION 24-34-104,
13 C.R.S.

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

16 **12-36-106. Practice of medicine defined - exemptions from**
17 **licensing requirements - unauthorized practice by physician**
18 **assistants - penalties - repeal.** (3) Nothing in this section shall be
19 construed to prohibit, or to require a license or a physician training license
20 under this article with respect to, any of the following acts:

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

24 ~~(3.5) (a) The state board of medical examiners shall promulgate~~
25 ~~rules and regulations specifying the types of services which a qualified~~
26 ~~athletic trainer may render pursuant to paragraph (s) of subsection (3) of~~
27 ~~this section. In order to qualify for the exception allowed pursuant to said~~

1 ~~paragraph (s), such services must be rendered only by qualified athletic~~
2 ~~trainers who render the services, within the athletic trainer scope of~~
3 ~~practice as defined pursuant to this subsection (3.5), in the course of~~
4 ~~participation in an educational institution's sports program, an organized~~
5 ~~amateur sports organization, a professional sports organization, a~~
6 ~~recreational program of a county, municipal, or special district~~
7 ~~government, or an organized community sports event.~~

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

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

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

27 ~~(c) For purposes of this subsection (3.5), "athlete" means an~~

1 individual participating in an educational institution's sports program, an
2 organized sports organization, a professional sports organization, a
3 recreational program of a county, municipal, or special district
4 government, or an organized community sports event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **SECTION 3.** 2-3-1203 (3), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24 **2-3-1203. Sunset review of advisory committees.** (3) The
25 following dates are the dates for which the statutory authorization for the
26 designated advisory committees is scheduled for repeal:

27 ~~(dd) JULY 1, 2017: THE ADVISORY COMMITTEE APPOINTED~~

1 PURSUANT TO SECTION 12-29.7-113, C.R.S., BY THE DIRECTOR OF THE
2 DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY
3 AGENCIES.

4 **SECTION 4.** 24-34-104, Colorado Revised Statutes, is amended
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6 **24-34-104. General assembly review of regulatory agencies**
7 **and functions for termination, continuation, or reestablishment.**

8 (48) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH SHALL TERMINATE
9 ON JULY 1, 2017: THE REGULATION OF ATHLETIC TRAINERS BY THE
10 DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF
11 REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 29.7 OF TITLE 12,
12 C.R.S.

13 **SECTION 5. Effective date - applicability.** This act shall take
14 effect July 1, 2007, and shall apply to the practice of athletic training on
15 or after said date.

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