

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 17, 2011

Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

SB11-169 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 4, strike lines 8 through 10 and substitute:
- 2 "SECTION 4. 12-41-103, Colorado Revised Statutes, is amended
- 3 BY THE ADDITION OF A NEW SUBSECTION to read:".
- 4 Page 4, strike lines 15 through 17.
- 5 Page 13, line 27, strike "Using" and substitute "Supervising".
- 6 Page 14, strike lines 6 through 12 and substitute: "~~therapist~~ A PHYSICAL
- 7 THERAPIST MAY SUPERVISE UP TO FOUR INDIVIDUALS AT ONE TIME WHO
- 8 ARE NOT PHYSICAL THERAPISTS, INCLUDING CERTIFIED NURSE AIDES, TO
- 9 ASSIST IN THE THERAPIST'S CLINICAL PRACTICE; EXCEPT THAT THIS LIMIT
- 10 DOES NOT INCLUDE STUDENT PHYSICAL THERAPISTS AND STUDENT
- 11 PHYSICAL THERAPIST ASSISTANTS SUPERVISED BY A PHYSICAL THERAPIST
- 12 FOR EDUCATIONAL PURPOSES. THE BOARD SHALL PROMULGATE RULES
- 13 GOVERNING THE REQUIRED SUPERVISION. THIS SUBSECTION (1) DOES NOT
- 14 AFFECT OR LIMIT THE INDEPENDENT PRACTICE OR JUDGEMENT OF OTHER
- 15 PROFESSIONS REGULATED UNDER THIS TITLE.".
- 16 Page 15, line 11, strike "six" and substitute "six SIXTEEN".
- 17 Page 16, line 4, strike "CLAIMS." and substitute "CLAIMS UNLESS THE
- 18 CORPORATION THAT EMPLOYS THE PHYSICAL THERAPIST MAINTAINS THE
- 19 INSURANCE REQUIRED BY SECTION 12-41-124.".

1 Page 18, line 6, after "12-41-115" insert "(1) (c), (1) (d),".

2 Page 18, after line 12 insert:

3 "(c) Failed to refer a patient to the appropriate licensed health care  
4 ~~practitioner~~ PROFESSIONAL when the services required by the patient are  
5 beyond the level of competence of the physical therapist or beyond the  
6 scope of physical therapy practice;

7 (d) Abandoned a patient by any means, including ~~but not limited~~  
8 ~~to~~ failure to provide a referral to another physical therapist or to ~~other~~  
9 ANOTHER appropriate health care ~~practitioners~~ PROFESSIONAL when the  
10 ~~provision of such~~ referral was necessary to meet generally accepted  
11 standards of physical therapy care;"

12 Page 20, line 19, strike "PART 1." and substitute "PART 1;"

13 Page 20, after line 19 insert:

14 "(y) FAILED TO EITHER:

15 (I) CONFIRM THAT A PATIENT IS UNDER THE CARE OF A PHYSICIAN  
16 OR OTHER HEALTH CARE PROFESSIONAL FOR THE UNDERLYING MEDICAL  
17 CONDITION WHEN PROVIDING GENERAL WOUND CARE WITHIN THE SCOPE  
18 OF THE PHYSICAL THERAPIST'S PRACTICE; OR

19 (II) REFER THE PATIENT TO A PHYSICIAN OR OTHER APPROPRIATE  
20 HEALTH CARE PROFESSIONAL FOR THE TREATMENT OF THE UNDERLYING  
21 MEDICAL CONDITION WHEN PROVIDING GENERAL WOUND CARE WITHIN THE  
22 SCOPE OF THE PHYSICAL THERAPIST'S PRACTICE.

23 **SECTION 19.** Article 41 of title 12, Colorado Revised Statutes,  
24 is amended BY THE ADDITION OF A NEW SECTION to read:

25 **12-41-115.5. Protection of medical records - licensee's**  
26 **obligations - verification of compliance - noncompliance grounds for**  
27 **discipline - rules.** (1) EACH LICENSED PHYSICAL THERAPIST SHALL  
28 DEVELOP A WRITTEN PLAN TO ENSURE THE SECURITY OF PATIENT MEDICAL  
29 RECORDS. THE PLAN MUST ADDRESS AT LEAST THE FOLLOWING:

30 (a) THE STORAGE AND PROPER DISPOSAL OF PATIENT MEDICAL  
31 RECORDS;

32 (b) THE DISPOSITION OF PATIENT MEDICAL RECORDS IN THE EVENT  
33 THE LICENSEE DIES, RETIRES, OR OTHERWISE CEASES TO PRACTICE OR  
34 PROVIDE PHYSICAL THERAPY CARE TO PATIENTS; AND

35 (c) THE METHOD BY WHICH PATIENTS MAY ACCESS OR OBTAIN  
36 THEIR MEDICAL RECORDS PROMPTLY IF ANY OF THE EVENTS DESCRIBED IN

- 1 PARAGRAPH (b) OF THIS SUBSECTION (1) OCCURS.  
2 (2) UPON INITIAL LICENSURE UNDER THIS PART 1 AND UPON  
3 RENEWAL OF A LICENSE, THE APPLICANT OR LICENSEE SHALL ATTEST TO  
4 THE BOARD THAT HE OR SHE HAS DEVELOPED A PLAN IN COMPLIANCE WITH  
5 THIS SECTION.  
6 (3) A LICENSEE SHALL INFORM EACH PATIENT IN WRITING OF THE  
7 METHOD BY WHICH THE PATIENT MAY ACCESS OR OBTAIN HIS OR HER  
8 MEDICAL RECORDS IF AN EVENT DESCRIBED IN PARAGRAPH (b) OF  
9 SUBSECTION (1) OF THIS SECTION OCCURS.  
10 (4) THE BOARD MAY ADOPT RULES REASONABLY NECESSARY TO  
11 IMPLEMENT THIS SECTION."

12 Renumber succeeding sections accordingly.

13 Page 35, line 7, after the period add "AN HEIR WHO IS NOT LICENSED  
14 UNDER THIS ARTICLE SHALL NOT EXERCISE ANY AUTHORITY OVER  
15 PROFESSIONAL OR CLINICAL MATTERS."

16 Page 35, line 15, after "MAINTAINS" insert "OR THE SHAREHOLDERS  
17 MAINTAIN".

18 Page 39, strike lines 8 through 27 and substitute:

- 19 **"12-41-201. Additional board authority - rules.** (1) IN  
20 ADDITION TO ALL OTHER POWERS AND DUTIES GIVEN TO THE BOARD BY  
21 LAW, THE BOARD MAY:  
22 (a) CERTIFY PHYSICAL THERAPIST ASSISTANTS TO PRACTICE;  
23 (b) EVALUATE THE QUALIFICATIONS OF APPLICANTS FOR  
24 CERTIFICATION, ISSUE AND RENEW THE CERTIFICATIONS AUTHORIZED  
25 UNDER THIS PART 2, AND TAKE THE DISCIPLINARY ACTIONS AUTHORIZED  
26 UNDER THIS PART 2;  
27 (c) CONDUCT HEARINGS UPON CHARGES FOR DISCIPLINE OF A  
28 CERTIFIED PHYSICAL THERAPIST ASSISTANT AND CAUSE THE PROSECUTION  
29 AND ENJOINER OF ALL PERSONS VIOLATING THIS PART 2;  
30 (d) ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND  
31 ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE  
32 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY  
33 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,  
34 ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD;  
35 (e) APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART  
36 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE

1 FINDINGS AND REPORT THEM TO THE BOARD;

2 (f) MAINTAIN A REGISTER LISTING THE NAME, ADDRESS,  
3 LAST-KNOWN PLACE OF RESIDENCE, AND CERTIFICATION NUMBER OF EACH  
4 CERTIFIED PHYSICAL THERAPIST ASSISTANT;

5 (g) ESTABLISH FINES UNDER SECTION 12-41-122; AND

6 (h) PROMOTE CONSUMER PROTECTION AND CONSUMER EDUCATION  
7 BY SUCH MEANS AS THE BOARD FINDS APPROPRIATE.

8 (2) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR  
9 PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE  
10 SUBPOENAED PERSON RESIDES OR CONDUCTS BUSINESS, UPON  
11 APPLICATION BY THE BOARD WITH NOTICE TO THE SUBPOENAED PERSON,  
12 MAY ISSUE TO THE PERSON AN ORDER REQUIRING THAT PERSON TO APPEAR  
13 BEFORE THE BOARD; TO PRODUCE THE RELEVANT PAPERS, BOOKS,  
14 RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR  
15 TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN  
16 QUESTION. THE COURT MAY PUNISH A FAILURE TO OBEY ITS ORDER AS A  
17 CONTEMPT OF COURT.

18 (3) THE BOARD MAY PROMULGATE RULES NECESSARY TO  
19 IMPLEMENT, ADMINISTER, AND ENFORCE THIS PART 2.

20 **12-41-202. Use of titles restricted.** A PERSON CERTIFIED AS A  
21 PHYSICAL THERAPIST ASSISTANT MAY USE THE TITLE "PHYSICAL  
22 THERAPIST ASSISTANT" OR THE LETTERS "P.T.A." OR ANY OTHER  
23 GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT INDICATE THAT  
24 THE PERSON IS A PHYSICAL THERAPIST ASSISTANT. NO OTHER PERSON  
25 SHALL USE THE TERMS "PHYSICAL THERAPIST ASSISTANT", "CERTIFIED  
26 PHYSICAL THERAPIST ASSISTANT", OR ANY LETTERS OR WORDS THAT  
27 INDICATE THAT THE PERSON IS A PHYSICAL THERAPIST ASSISTANT.

28 **12-41-203. Limitations on authority.** (1) NOTHING IN THIS PART  
29 2 AUTHORIZES A PHYSICAL THERAPIST ASSISTANT TO PERFORM ANY OF THE  
30 FOLLOWING ACTS:

31 (a) PRACTICE OF MEDICINE, SURGERY, OR ANY OTHER FORM OF  
32 HEALING EXCEPT AS AUTHORIZED BY THIS PART 2; OR

33 (b) USE OF ROENTGEN RAYS AND RADIOACTIVE MATERIALS FOR  
34 THERAPEUTIC PURPOSES, USE OF ELECTRICITY FOR SURGICAL PURPOSES, OR  
35 DIAGNOSIS OF DISEASE.

36 (2) A PHYSICAL THERAPIST ASSISTANT SHALL NOT ASSIST A  
37 PHYSICAL THERAPIST IN THE CLINICAL PRACTICE OF PHYSICAL THERAPY  
38 UNLESS THE ASSISTANT WORKS UNDER THE SUPERVISION OF A LICENSED  
39 PHYSICAL THERAPIST.

40 **12-41-204. Certification required.** (1) EXCEPT AS OTHERWISE  
41 PROVIDED BY THIS PART 2, A PERSON WHO PRACTICES AS A PHYSICAL

1 THERAPIST ASSISTANT OR WHO REPRESENTS ONESELF AS BEING ABLE TO  
2 PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE MUST  
3 POSSESS A VALID CERTIFICATION ISSUED BY THE BOARD UNDER THIS PART  
4 2 AND RULES ADOPTED UNDER THIS PART 2.

5 (2) A CERTIFIED NURSE AIDE NEED NOT BE CERTIFIED UNDER THIS  
6 PART 2 TO ASSIST A PHYSICAL THERAPIST IN THE CLINICAL PRACTICE OF  
7 PHYSICAL THERAPY.

8 **12-41-205. Certification by examination.** (1) EVERY  
9 APPLICANT FOR A CERTIFICATION BY EXAMINATION SHALL:

10 (a) QUALIFY AS A PHYSICAL THERAPIST ASSISTANT UNDER  
11 SUBSECTION (2) OF THIS SECTION;

12 (b) PASS A WRITTEN EXAMINATION THAT IS:

13 (I) APPROVED BY THE BOARD; AND

14 (II) A NATIONAL EXAMINATION ACCREDITED BY A NATIONALLY  
15 RECOGNIZED ACCREDITING AGENCY;

16 (c) SUBMIT AN APPLICATION IN THE FORM AND MANNER  
17 DESIGNATED BY THE DIRECTOR; AND

18 (d) PAY A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

19 (2) TO QUALIFY AS A PHYSICAL THERAPIST ASSISTANT, A PERSON  
20 MUST HAVE:

21 (a) (I) PASSED AN EXAMINATION FOR PHYSICAL THERAPIST  
22 ASSISTANTS ADMINISTERED BY A NATIONAL ORGANIZATION CONCERNING  
23 THE REGULATION OF PHYSICAL THERAPY; AND

24 (II) COMPLETED A PHYSICAL THERAPIST ASSISTANT PROGRAM  
25 ACCREDITED BY THE COMMISSION ON ACCREDITATION IN PHYSICAL  
26 THERAPY EDUCATION OR ANY COMPARABLE ORGANIZATION AS  
27 DETERMINED BY THE BOARD; OR

28 (b) QUALIFIED TO TAKE THE PHYSICAL THERAPY EXAMINATION  
29 ESTABLISHED UNDER SECTION 12-41-107.

30 (3) THE BOARD MAY REFUSE TO PERMIT AN APPLICANT TO TAKE  
31 THE EXAMINATION IF THE APPLICATION IS INCOMPLETE OR INDICATES THAT  
32 THE APPLICANT IS NOT QUALIFIED TO SIT FOR THE EXAMINATION, OR IF THE  
33 APPLICANT HAS COMMITTED ANY ACT THAT IS GROUNDS FOR DISCIPLINARY  
34 ACTION UNDER SECTION 12-41-210.

35 (4) WHEN THE APPLICANT HAS FULFILLED ALL THE REQUIREMENTS  
36 OF SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL ISSUE A  
37 CERTIFICATION TO THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY  
38 CERTIFICATION IF THE APPLICANT HAS COMMITTED AN ACT THAT IS  
39 GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210.

40 **12-41-206. Certification by endorsement.** (1) AN APPLICANT  
41 FOR CERTIFICATION BY ENDORSEMENT SHALL:

1 (a) POSSESS A VALID LICENSE, CERTIFICATION, OR REGISTRATION  
2 IN GOOD STANDING FROM ANOTHER STATE OR TERRITORY OF THE UNITED  
3 STATES;

4 (b) SUBMIT AN APPLICATION IN THE FORM AND MANNER  
5 DESIGNATED BY THE DIRECTOR; AND

6 (c) PAY A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

7 (2) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY SUBSECTION  
8 (1) OF THIS SECTION, THE DIRECTOR SHALL REVIEW THE APPLICATION AND  
9 MAKE A DETERMINATION OF THE APPLICANT'S QUALIFICATION TO BE  
10 CERTIFIED BY ENDORSEMENT.

11 (3) THE BOARD SHALL ISSUE A CERTIFICATION IF THE APPLICANT  
12 FULFILLS THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION AND  
13 MEETS ANY ONE OF THE FOLLOWING QUALIFYING STANDARDS:

14 (a) THE APPLICANT GRADUATED FROM AN ACCREDITED PROGRAM  
15 WITHIN THE PAST TWO YEARS AND PASSED AN EXAMINATION  
16 SUBSTANTIALLY EQUIVALENT TO THE EXAMINATION SPECIFIED IN SECTION  
17 12-41-205 (1) (b);

18 (b) THE APPLICANT HAS PRACTICED AS A LICENSED, CERTIFIED, OR  
19 REGISTERED PHYSICAL THERAPIST ASSISTANT FOR AT LEAST TWO OF THE  
20 FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION; OR

21 (c) THE APPLICANT HAS NOT MET THE REQUIREMENTS OF  
22 PARAGRAPH (b) OF THIS SUBSECTION (3), BUT HAS PASSED AN  
23 EXAMINATION IN ANOTHER JURISDICTION THAT IS SUBSTANTIALLY  
24 EQUIVALENT TO THE EXAMINATION SPECIFIED IN SECTION 12-41-205 (1)  
25 (b), AND HAS DEMONSTRATED COMPETENCY THROUGH SUCCESSFUL  
26 COMPLETION OF AN INTERNSHIP OR DEMONSTRATED COMPETENCY AS A  
27 PHYSICAL THERAPIST ASSISTANT BY FULFILLING THE REQUIREMENTS  
28 ESTABLISHED BY RULES OF THE BOARD.

29 (4) THE BOARD SHALL NOTIFY THE APPLICANT, IN WRITING, OF THE  
30 DENIAL OR APPROVAL OF THE APPLICATION.

31 (5) THE BOARD MAY DENY SUCH CERTIFICATION IF THE APPLICANT  
32 HAS COMMITTED AN ACT THAT IS GROUNDS FOR DISCIPLINARY ACTION  
33 UNDER SECTION 12-41-210.

34 **12-41-207. Certification of foreign-trained applicants.**

35 (1) EVERY FOREIGN-TRAINED APPLICANT FOR CERTIFICATION BY  
36 EXAMINATION SHALL:

37 (a) HAVE RECEIVED EDUCATION AND TRAINING AS A PHYSICAL  
38 THERAPIST ASSISTANT THAT IS SUBSTANTIALLY EQUIVALENT TO THE  
39 EDUCATION AND TRAINING REQUIRED BY ACCREDITED PHYSICAL  
40 THERAPIST ASSISTANT PROGRAMS IN THE UNITED STATES;

41 (b) POSSESS AN ACTIVE, VALID LICENSE, CERTIFICATION, OR

1 REGISTRATION IN GOOD STANDING OR OTHER AUTHORIZATION TO  
2 PRACTICE AS A PHYSICAL THERAPIST ASSISTANT FROM AN APPROPRIATE  
3 AUTHORITY IN THE COUNTRY WHERE THE FOREIGN-TRAINED APPLICANT IS  
4 PRACTICING OR HAS PRACTICED;

5 (c) PASS A WRITTEN EXAMINATION APPROVED BY THE BOARD IN  
6 ACCORDANCE WITH SECTION 12-41-205 (1) (b);

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

9 (e) PAY AN APPLICATION FEE IN AN AMOUNT DETERMINED BY THE  
10 DIRECTOR.

11 (2) UPON RECEIPT OF ALL DOCUMENTS AND THE FEE REQUIRED BY  
12 SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL REVIEW THE  
13 APPLICATION AND DETERMINE IF THE APPLICANT IS QUALIFIED TO BE  
14 CERTIFIED BY ENDORSEMENT.

15 (3) WHEN THE APPLICANT HAS FULFILLED ALL THE REQUIREMENTS  
16 OF SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL ISSUE A  
17 CERTIFICATION TO THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY  
18 THE APPLICATION IF THE APPLICANT HAS COMMITTED AN ACT THAT IS  
19 GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210.

20 **12-41-208. Expiration and renewal of certification.** AN  
21 APPLICANT FOR CERTIFICATION SHALL PAY CERTIFICATION, RENEWAL, AND  
22 REINSTATEMENT FEES ESTABLISHED BY THE DIRECTOR IN THE SAME  
23 MANNER AS IS AUTHORIZED IN SECTION 24-34-105, C.R.S. A CERTIFIED  
24 PHYSICAL THERAPIST ASSISTANT SHALL RENEW A CERTIFICATION IN  
25 ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE DIRECTOR  
26 PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY  
27 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT  
28 UNDER SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW A  
29 CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE  
30 DIRECTOR, THE CERTIFICATION EXPIRES. A PERSON WHOSE CERTIFICATION  
31 HAS EXPIRED IS SUBJECT TO THE PENALTIES PROVIDED IN THIS PART 2 AND  
32 SECTION 24-34-102 (8), C.R.S.

33 **12-41-209. Scope of part 2 - exclusions.** (1) THIS PART 2 DOES  
34 NOT PROHIBIT:

35 (a) PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE  
36 BY A LEGALLY QUALIFIED PHYSICAL THERAPIST ASSISTANT FROM ANOTHER  
37 STATE OR COUNTRY WHOSE EMPLOYMENT REQUIRES THE PHYSICAL  
38 THERAPIST ASSISTANT TO ACCOMPANY AND CARE FOR A PATIENT  
39 TEMPORARILY RESIDING IN THIS STATE, BUT THE PHYSICAL THERAPIST  
40 ASSISTANT SHALL NOT PROVIDE PHYSICAL THERAPY SERVICES FOR  
41 ANOTHER INDIVIDUAL NOR SHALL THE PERSON REPRESENT OR HOLD

1 HIMSELF OR HERSELF OUT AS A PHYSICAL THERAPIST ASSISTANT CERTIFIED  
2 TO PRACTICE IN THIS STATE;

3 (b) THE ADMINISTRATION OF MASSAGE, EXTERNAL BATHS, OR  
4 EXERCISE THAT IS NOT A PART OF A PHYSICAL THERAPY REGIMEN;

5 (c) A PERSON REGISTERED, CERTIFIED, OR LICENSED IN THIS STATE  
6 UNDER ANY OTHER LAW FROM ENGAGING IN THE PRACTICE FOR WHICH THE  
7 PERSON IS REGISTERED, CERTIFIED, OR LICENSED;

8 (d) PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE  
9 BY A LEGALLY QUALIFIED PHYSICAL THERAPIST ASSISTANT FROM ANOTHER  
10 STATE OR COUNTRY FOR THE PURPOSE OF PARTICIPATING IN AN  
11 EDUCATIONAL PROGRAM OF NOT MORE THAN SIX WEEKS' DURATION; OR

12 (e) THE PRACTICE OF A PHYSICAL THERAPIST ASSISTANT LICENSED,  
13 CERTIFIED, OR REGISTERED IN THIS OR ANY OTHER STATE OR TERRITORY  
14 OF THE UNITED STATES WHO IS EMPLOYED BY THE UNITED STATES  
15 GOVERNMENT OR A BUREAU, DIVISION, OR AGENCY THEREOF WHILE  
16 WITHIN THE COURSE AND SCOPE OF THE PHYSICAL THERAPIST ASSISTANT'S  
17 DUTIES.

18 (2) THIS PART 2 DOES NOT APPLY TO:

19 (a) THE GRATUITOUS CARE OF FRIENDS OR FAMILY MEMBERS;

20 (b) NURSING ASSISTANCE IN THE CASE OF AN EMERGENCY;

21 (c) A PERSON LICENSED, CERTIFIED, OR REGISTERED BY THE STATE  
22 OF COLORADO WHO IS ACTING WITHIN THE SCOPE OF HIS OR HER LICENSE,  
23 CERTIFICATE, OR REGISTRATION; OR

24 (d) ANY PERSON PERFORMING SERVICES PURSUANT TO SECTION  
25 12-38-132 OR 27-10.5-103 (2) (k), C.R.S., OR PART 3 OF ARTICLE 1.5 OF  
26 TITLE 25, C.R.S.

27 **12-41-210. Grounds for disciplinary action.** (1) THE BOARD  
28 MAY TAKE DISCIPLINARY ACTION IN ACCORDANCE WITH SECTION  
29 12-41-211 AGAINST A PERSON WHO HAS:

30 (a) COMMITTED AN ACT THAT DOES NOT MEET GENERALLY  
31 ACCEPTED STANDARDS OF PHYSICAL THERAPIST ASSISTANT PRACTICE OR  
32 FAILED TO PERFORM AN ACT NECESSARY TO MEET GENERALLY ACCEPTED  
33 STANDARDS OF PHYSICAL THERAPIST ASSISTANT PRACTICE;

34 (b) ENGAGED IN SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL  
35 PENETRATION AS DEFINED IN SECTION 18-3-401, C.R.S., WITH A PATIENT  
36 WHILE DURING THE PERIOD OF TIME BEGINNING WITH THE INITIAL  
37 EVALUATION THROUGH THE TERMINATION OF TREATMENT;

38 (c) ABANDONED A PATIENT BY ANY MEANS;

39 (d) FAILED TO MAKE ESSENTIAL ENTRIES ON PATIENT RECORDS OR  
40 FALSIFIED OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON  
41 PATIENT RECORDS;



- 1 (e) (I) COMMITTED ABUSE OF HEALTH INSURANCE AS SET FORTH IN  
2 SECTION 18-13-119, C.R.S.; OR
- 3 (II) ADVERTISED THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,  
4 DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE  
5 CERTIFIED PHYSICAL THERAPIST ASSISTANT WILL PERFORM AN ACT  
6 PROHIBITED BY SECTION 18-13-119, C.R.S.;
- 7 (f) COMMITTED A FRAUDULENT INSURANCE ACT, AS DEFINED IN  
8 SECTION 10-1-128, C.R.S.;
- 9 (g) FALSIFIED INFORMATION IN ANY APPLICATION OR ATTEMPTED  
10 TO OBTAIN OR OBTAINED A CERTIFICATION BY FRAUD, DECEPTION, OR  
11 MISREPRESENTATION;
- 12 (h) ENGAGED IN THE HABITUAL OR EXCESSIVE USE OR ABUSE OF  
13 ALCOHOL, A HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE AS  
14 DEFINED IN SECTION 12-22-303;
- 15 (i) (I) FAILED TO NOTIFY THE BOARD, AS REQUIRED BY SECTION  
16 12-41-214, OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT  
17 IMPACTS THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S ABILITY TO  
18 PERFORM PHYSICAL THERAPY WITH REASONABLE SKILL AND SAFETY TO  
19 PATIENTS;
- 20 (II) FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A  
21 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE  
22 CERTIFIED PHYSICAL THERAPIST ASSISTANT UNABLE TO PERFORM  
23 PHYSICAL THERAPY WITH REASONABLE SKILL AND SAFETY TO THE  
24 PATIENT; OR
- 25 (III) FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER  
26 A CONFIDENTIAL AGREEMENT ENTERED INTO UNDER SECTION 12-41-214;
- 27 (j) REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL EXAMINATION  
28 WHEN SO ORDERED BY THE BOARD UNDER SECTION 12-41-213;
- 29 (k) FAILED TO NOTIFY THE BOARD IN WRITING OF THE ENTRY OF A  
30 FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION AGAINST THE  
31 CERTIFIED PHYSICAL THERAPIST ASSISTANT FOR MALPRACTICE OR A  
32 SETTLEMENT BY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IN  
33 RESPONSE TO CHARGES OR ALLEGATIONS OF MALPRACTICE, WHICH NOTICE  
34 MUST BE GIVEN WITHIN NINETY DAYS AFTER THE ENTRY OF JUDGMENT OR  
35 SETTLEMENT AND, IN THE CASE OF A JUDGMENT, MUST CONTAIN THE NAME  
36 OF THE COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES TO  
37 THE ACTION;
- 38 (l) VIOLATED OR AIDED OR ABETTED A VIOLATION OF THIS PART 2,  
39 A RULE ADOPTED UNDER THIS PART 2, OR A LAWFUL ORDER OF THE BOARD;
- 40 (m) BEEN CONVICTED OF, PLED GUILTY, OR PLED NOLO  
41 CONTENDERE TO A CRIME RELATED TO THE CERTIFIED PHYSICAL

1 THERAPIST ASSISTANT'S PRACTICE OR A FELONY OR COMMITTED AN ACT  
2 SPECIFIED IN SECTION 12-41-216. A CERTIFIED COPY OF THE JUDGMENT OF  
3 A COURT OF COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS  
4 CONCLUSIVE EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE  
5 DISCIPLINARY ACTION, THE BOARD IS GOVERNED BY SECTION 24-5-101,  
6 C.R.S.

7 (n) FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD A PHYSICAL  
8 THERAPIST ASSISTANT DIPLOMA, CERTIFICATE, RENEWAL OF CERTIFICATE,  
9 OR RECORD, OR AIDED OR ABETTED ANY SUCH ACT;

10 (o) REPRESENTED, OR HELD HIMSELF OR HERSELF OUT AS, IN ANY  
11 MANNER, A PHYSICAL THERAPIST ASSISTANT OR PRACTICED AS A PHYSICAL  
12 THERAPIST ASSISTANT WITHOUT A CERTIFICATION, UNLESS OTHERWISE  
13 AUTHORIZED UNDER THIS PART 2;

14 (p) USED IN CONNECTION WITH THE PERSON'S NAME A  
15 DESIGNATION IMPLYING THAT THE PERSON IS A PHYSICAL THERAPIST  
16 ASSISTANT WITHOUT BEING CERTIFIED UNDER THIS PART 2;

17 (q) PRACTICED AS A PHYSICAL THERAPIST ASSISTANT DURING THE  
18 TIME THE PERSON'S CERTIFICATION WAS EXPIRED, SUSPENDED, OR  
19 REVOKED; OR

20 (r) FAILED TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE,  
21 AND TIMELY MANNER TO A COMPLAINT ISSUED UNDER THIS PART 2.

22 **12-41-211. Disciplinary actions.** (1) (a) THE BOARD, IN  
23 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., MAY ISSUE LETTERS OF  
24 ADMONITION; DENY, REFUSE TO RENEW, SUSPEND, OR REVOKE A  
25 CERTIFICATION; PLACE A CERTIFIED PHYSICAL THERAPIST ASSISTANT ON  
26 PROBATION; OR IMPOSE PUBLIC CENSURE OR A FINE, IF THE BOARD OR THE  
27 BOARD'S DESIGNEE DETERMINES AFTER NOTICE AND THE OPPORTUNITY  
28 FOR A HEARING THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT HAS  
29 COMMITTED AN ACT SPECIFIED IN SECTION 12-41-210.

30 (b) IN THE CASE OF A DELIBERATE AND WILLFUL VIOLATION OF  
31 THIS PART 2 OR IF THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE  
32 EMERGENCY ACTION, THE BOARD MAY TAKE DISCIPLINARY ACTION ON AN  
33 EMERGENCY BASIS UNDER SECTIONS 24-4-104 AND 24-4-105, C.R.S.

34 (2) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
35 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES  
36 NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE DISMISSED AS BEING  
37 WITHOUT MERIT, THE BOARD MAY SEND A LETTER OF ADMONITION TO THE  
38 CERTIFIED PHYSICAL THERAPIST ASSISTANT.

39 (b) WHEN THE BOARD SENDS A LETTER OF ADMONITION TO A  
40 CERTIFIED PHYSICAL THERAPIST ASSISTANT, THE BOARD SHALL NOTIFY  
41 THE CERTIFIED PHYSICAL THERAPIST ASSISTANT OF HIS OR HER RIGHT TO

1 REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE  
2 LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO  
3 ADJUDICATE THE PROPRIETY OF THE CONDUCT DESCRIBED IN THE LETTER  
4 OF ADMONITION.

5 (c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE  
6 LETTER OF ADMONITION IS VACATED AND THE MATTER MUST BE  
7 PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

8 (3) IN A DISCIPLINARY ORDER THAT ALLOWS A CERTIFIED PHYSICAL  
9 THERAPIST ASSISTANT TO CONTINUE TO PRACTICE, THE BOARD MAY  
10 IMPOSE UPON THE CERTIFIED PHYSICAL THERAPIST ASSISTANT CONDITIONS  
11 THAT THE BOARD DEEMS APPROPRIATE TO ENSURE THAT THE CERTIFIED  
12 PHYSICAL THERAPIST ASSISTANT IS PHYSICALLY, MENTALLY, AND  
13 PROFESSIONALLY QUALIFIED TO PRACTICE IN ACCORDANCE WITH  
14 GENERALLY ACCEPTED PROFESSIONAL STANDARDS. THE CONDITIONS MAY  
15 INCLUDE THE FOLLOWING:

16 (a) EXAMINATION OF THE CERTIFIED PHYSICAL THERAPIST  
17 ASSISTANT TO DETERMINE HIS OR HER MENTAL OR PHYSICAL CONDITION,  
18 AS PROVIDED IN SECTION 12-41-213, OR TO DETERMINE PROFESSIONAL  
19 QUALIFICATIONS;

20 (b) ANY THERAPY, TRAINING, OR EDUCATION THAT THE BOARD  
21 BELIEVES NECESSARY TO CORRECT DEFICIENCIES FOUND EITHER IN A  
22 PROCEEDING IN COMPLIANCE WITH SECTION 24-34-106, C.R.S., OR  
23 THROUGH AN EXAMINATION UNDER PARAGRAPH (a) OF THIS SUBSECTION  
24 (3);

25 (c) A REVIEW OR SUPERVISION OF A CERTIFIED PHYSICAL  
26 THERAPIST ASSISTANT'S PRACTICE THAT THE BOARD FINDS NECESSARY TO  
27 IDENTIFY AND CORRECT DEFICIENCIES THEREIN; OR

28 (d) RESTRICTIONS UPON THE NATURE AND SCOPE OF PRACTICE TO  
29 ENSURE THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT DOES NOT  
30 PRACTICE BEYOND THE LIMITS OF THE CERTIFIED PHYSICAL THERAPIST  
31 ASSISTANT'S CAPABILITIES.

32 (4) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
33 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE  
34 BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE  
35 DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE  
36 ERRANT CONDUCT BY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT  
37 THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, THE  
38 BOARD MAY SEND A CONFIDENTIAL LETTER OF CONCERN TO THE CERTIFIED  
39 PHYSICAL THERAPIST ASSISTANT.

40 (5) THE BOARD MAY TAKE DISCIPLINARY ACTION AGAINST A  
41 CERTIFIED PHYSICAL THERAPIST ASSISTANT FOR FAILURE TO COMPLY WITH

1 ANY OF THE CONDITIONS IMPOSED BY THE BOARD UNDER SUBSECTION (3)  
2 OF THIS SECTION.

3 (6) A PERSON WHOSE CERTIFICATION HAS EXPIRED IS SUBJECT TO  
4 THE FEES PROVIDED IN THIS PART 2 AND SECTION 24-34-102 (8), C.R.S.

5 (7) A PHYSICAL THERAPY ASSISTANT WHOSE CERTIFICATION IS  
6 REVOKED OR WHO SURRENDERS HIS OR HER CERTIFICATION TO AVOID  
7 DISCIPLINE IS NOT ELIGIBLE TO APPLY FOR A CERTIFICATION FOR TWO  
8 YEARS AFTER THE CERTIFICATION IS REVOKED OR SURRENDERED. THE  
9 TWO-YEAR WAITING PERIOD APPLIES TO A PERSON WHOSE CERTIFICATION  
10 AS A PHYSICAL THERAPY ASSISTANT IS REVOKED BY ANY OTHER LEGALLY  
11 QUALIFIED BOARD OR REGULATORY ENTITY.

12 **12-41-212. Disciplinary proceedings - investigations - judicial**

13 **review.** (1) THE BOARD MAY COMMENCE A PROCEEDING FOR THE  
14 DISCIPLINE OF A PHYSICAL THERAPIST ASSISTANT WHEN THE BOARD HAS  
15 REASONABLE GROUNDS TO BELIEVE THAT A PHYSICAL THERAPIST  
16 ASSISTANT HAS COMMITTED AN ACT ENUMERATED IN SECTION 12-41-210.

17 (2) IN A PROCEEDING HELD UNDER THIS SECTION, THE BOARD MAY  
18 ACCEPT AS PRIMA FACIE EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION  
19 ANY DISCIPLINARY ACTION TAKEN AGAINST A PHYSICAL THERAPIST  
20 ASSISTANT FROM ANOTHER JURISDICTION IF THE VIOLATION THAT  
21 PROMPTED THE DISCIPLINARY ACTION IN THAT JURISDICTION WOULD BE  
22 GROUNDS FOR DISCIPLINARY ACTION UNDER THIS PART 2.

23 (3) (a) THE BOARD MAY INVESTIGATE POTENTIAL GROUNDS FOR  
24 DISCIPLINARY ACTION UPON ITS OWN MOTION OR WHEN THE BOARD IS  
25 INFORMED OF DISMISSAL OF A PERSON CERTIFIED UNDER THIS PART 2 IF  
26 THE DISMISSAL WAS FOR A MATTER CONSTITUTING A VIOLATION OF THIS  
27 PART 2.

28 (b) A PERSON WHO SUPERVISES A PHYSICAL THERAPIST ASSISTANT  
29 SHALL REPORT TO THE BOARD WHEN THE PHYSICAL THERAPIST ASSISTANT  
30 HAS BEEN DISMISSED BECAUSE OF INCOMPETENCE OR FAILURE TO COMPLY  
31 WITH THIS PART 2. A CERTIFIED PHYSICAL THERAPIST ASSISTANT WHO IS  
32 AWARE THAT ANOTHER PERSON IS VIOLATING THIS PART 2 SHALL REPORT  
33 THE VIOLATION TO THE BOARD.

34 (4) (a) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE MAY  
35 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE  
36 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE  
37 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY  
38 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,  
39 ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD UNDER THIS  
40 PART 2. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE  
41 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE

1 EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.  
2 (b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR  
3 PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE  
4 SUBPOENAED PERSON OR CERTIFIED PHYSICAL THERAPIST ASSISTANT  
5 RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD WITH  
6 NOTICE TO THE SUBPOENAED PERSON OR CERTIFIED PHYSICAL THERAPIST  
7 ASSISTANT, MAY ISSUE AN ORDER REQUIRING THAT PERSON OR CERTIFIED  
8 PHYSICAL THERAPIST ASSISTANT TO APPEAR BEFORE THE BOARD; TO  
9 PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY  
10 EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE  
11 TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE  
12 TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS  
13 A CONTEMPT OF COURT.  
14 (5) THE BOARD MAY KEEP ANY INVESTIGATION AUTHORIZED  
15 UNDER THIS PART 2 CLOSED UNTIL THE RESULTS OF THE INVESTIGATION  
16 ARE KNOWN AND EITHER THE COMPLAINT IS DISMISSED OR NOTICE OF  
17 HEARING AND CHARGES ARE SERVED UPON THE CERTIFIED PHYSICAL  
18 THERAPIST ASSISTANT.  
19 (6) (a) THE BOARD, THE DIRECTOR'S STAFF, A WITNESS OR  
20 CONSULTANT TO THE BOARD, A WITNESS TESTIFYING IN A PROCEEDING  
21 AUTHORIZED UNDER THIS PART 2, OR A PERSON WHO LODGES A COMPLAINT  
22 UNDER THIS PART 2 IS IMMUNE FROM LIABILITY IN A CIVIL ACTION  
23 BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS  
24 OR HER CAPACITY AS A BOARD MEMBER, STAFF MEMBER, CONSULTANT,  
25 WITNESS, OR COMPLAINANT IF THE INDIVIDUAL WAS ACTING IN GOOD  
26 FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A  
27 REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH  
28 HE OR SHE ACTED, AND ACTED WITH THE REASONABLE BELIEF THAT THE  
29 ACTION TAKEN WAS WARRANTED BY THE FACTS.  
30 (b) A PERSON MAKING A COMPLAINT OR REPORT IN GOOD FAITH OR  
31 PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING  
32 PURSUANT TO THIS SECTION IS IMMUNE FROM ANY LIABILITY, CIVIL OR  
33 CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF THE  
34 PARTICIPATION.  
35 (7) THE BOARD, THROUGH THE DEPARTMENT OF REGULATORY  
36 AGENCIES, MAY EMPLOY ADMINISTRATIVE LAW JUDGES APPOINTED  
37 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., ON A FULL-TIME  
38 OR PART-TIME BASIS, TO CONDUCT HEARINGS UNDER THIS PART 2 OR ON  
39 ANY MATTER WITHIN THE BOARD'S JURISDICTION UPON THE CONDITIONS  
40 AND TERMS AS THE BOARD MAY DETERMINE.  
41 (8) FINAL ACTION OF THE BOARD MAY BE JUDICIALLY REVIEWED

1 BY THE COURT OF APPEALS BY APPROPRIATE PROCEEDINGS UNDER SECTION  
2 24-4-106 (11), C.R.S., AND JUDICIAL PROCEEDINGS FOR THE  
3 ENFORCEMENT OF AN ORDER OF THE BOARD MAY BE INSTITUTED IN  
4 ACCORDANCE WITH SECTION 24-4-106, C.R.S.

5 (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
6 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD,  
7 WARRANTS FORMAL ACTION, THE BOARD SHALL NOT RESOLVE THE  
8 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR  
9 PROSECUTION.

10 (10) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE  
11 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A CERTIFIED  
12 PHYSICAL THERAPIST ASSISTANT IS ACTING IN A MANNER THAT IS AN  
13 IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A  
14 PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED CERTIFICATION,  
15 THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY.  
16 THE ORDER MUST SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE  
17 BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE  
18 VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR  
19 UNCERTIFIED PRACTICES IMMEDIATELY CEASE.

20 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
21 DESIST UNDER PARAGRAPH (a) OF THIS SUBSECTION (10), THE RESPONDENT  
22 MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR  
23 PRACTICES IN VIOLATION OF THIS PART 2 HAVE OCCURRED. THE HEARING  
24 SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105,  
25 C.R.S.

26 (11) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE  
27 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS  
28 VIOLATED THIS PART 2, THEN, IN ADDITION TO ANY SPECIFIC POWERS  
29 GRANTED UNDER THIS PART 2, THE BOARD MAY ISSUE TO THE PERSON AN  
30 ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL  
31 ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM THE  
32 UNLAWFUL ACT OR UNCERTIFIED PRACTICE.

33 (b) THE BOARD SHALL PROMPTLY NOTIFY A PERSON AGAINST  
34 WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED UNDER PARAGRAPH  
35 (a) OF THIS SUBSECTION (11) OF THE ISSUANCE OF THE ORDER, ALONG  
36 WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE  
37 ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER.  
38 THE BOARD MAY SERVE THE NOTICE BY PERSONAL SERVICE, BY  
39 FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE  
40 PRACTICABLE UPON THE PERSON AGAINST WHOM THE ORDER IS ISSUED.  
41 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT

1 TO THIS SUBSECTION (11) CONSTITUTES NOTICE THEREOF TO THE PERSON.

2 (c) (I) THE BOARD SHALL COMMENCE A HEARING ON AN ORDER TO  
3 SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE  
4 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE  
5 NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS  
6 SUBSECTION (11). THE HEARING MAY BE CONTINUED BY AGREEMENT OF  
7 ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF  
8 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,  
9 BUT IN NO EVENT IS THE HEARING TO COMMENCE LATER THAN SIXTY  
10 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE  
11 NOTIFICATION.

12 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS  
13 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) DOES  
14 NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT  
15 NOTIFICATION WAS PROPERLY SENT OR SERVED UPON THE PERSON UNDER  
16 PARAGRAPH (b) OF THIS SUBSECTION (11) AND SUCH OTHER EVIDENCE  
17 RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE  
18 BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S  
19 DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE  
20 RESPONDENT, AND THE ORDER BECOMES FINAL AS TO THAT PERSON BY  
21 OPERATION OF LAW. THE BOARD SHALL CONDUCT THE HEARING IN  
22 ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S.

23 (III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST  
24 WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED  
25 WITHOUT THE REQUIRED CERTIFICATION, OR HAS OR IS ABOUT TO ENGAGE  
26 IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 2, THE  
27 BOARD MAY ISSUE A FINAL CEASE-AND-DESIST ORDER, DIRECTING THE  
28 PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR  
29 UNCERTIFIED PRACTICES.

30 (IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET  
31 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (11), OF THE FINAL  
32 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE  
33 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON  
34 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER  
35 ISSUED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS EFFECTIVE  
36 WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

37 (12) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE  
38 EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR  
39 IS ABOUT TO ENGAGE IN ANY UNCERTIFIED ACT OR PRACTICE, ANY ACT OR  
40 PRACTICE CONSTITUTING A VIOLATION OF THIS PART 2, A RULE  
41 PROMULGATED UNDER THIS PART 2, AN ORDER ISSUED UNDER THIS PART

1 2, OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE  
2 SANCTION UNDER THIS PART 2, THE BOARD MAY ENTER INTO A  
3 STIPULATION WITH THE PERSON.

4 (13) IF A PERSON FAILS TO COMPLY WITH A FINAL  
5 CEASE-AND-DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST  
6 THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL  
7 DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING SUIT FOR A  
8 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO  
9 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.  
10 UPON RECEIVING THE REQUEST, THE ATTORNEY GENERAL OR DISTRICT  
11 ATTORNEY SHALL BRING THE SUIT AS REQUESTED.

12 **12-41-213. Mental and physical examination of certified**  
13 **physical therapist assistants.** (1) IF THE BOARD HAS REASONABLE  
14 CAUSE TO BELIEVE THAT A CERTIFIED PHYSICAL THERAPIST ASSISTANT IS  
15 UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY, THE BOARD  
16 MAY REQUIRE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT TO TAKE A  
17 MENTAL OR PHYSICAL EXAMINATION BY A HEALTH CARE PROVIDER  
18 DESIGNATED BY THE BOARD. IF THE CERTIFIED PHYSICAL THERAPIST  
19 ASSISTANT REFUSES TO UNDERGO THE MENTAL OR PHYSICAL  
20 EXAMINATION, UNLESS DUE TO CIRCUMSTANCES BEYOND THE CERTIFIED  
21 PHYSICAL THERAPIST ASSISTANT'S CONTROL, THE BOARD MAY SUSPEND  
22 THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S CERTIFICATION UNTIL  
23 THE RESULTS OF THE EXAMINATION ARE KNOWN AND THE BOARD HAS  
24 MADE A DETERMINATION OF THE CERTIFIED PHYSICAL THERAPIST  
25 ASSISTANT'S FITNESS TO PRACTICE. THE BOARD SHALL PROCEED WITH AN  
26 ORDER FOR EXAMINATION AND DETERMINATION IN A TIMELY MANNER.

27 (2) AN ORDER ISSUED TO A CERTIFIED PHYSICAL THERAPIST  
28 ASSISTANT UNDER SUBSECTION (1) OF THIS SECTION TO UNDERGO A  
29 MENTAL OR PHYSICAL EXAMINATION MUST CONTAIN THE BASIS OF THE  
30 BOARD'S REASONABLE CAUSE TO BELIEVE THAT THE CERTIFIED PHYSICAL  
31 THERAPIST ASSISTANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL  
32 AND SAFETY. FOR THE PURPOSES OF A DISCIPLINARY PROCEEDING  
33 AUTHORIZED BY THIS PART 2, THE CERTIFIED PHYSICAL THERAPIST  
34 ASSISTANT IS DEEMED TO HAVE WAIVED ALL OBJECTIONS TO THE  
35 ADMISSIBILITY OF THE EXAMINING HEALTH CARE PROVIDER'S TESTIMONY  
36 OR EXAMINATION REPORTS ON THE GROUND THAT THEY ARE PRIVILEGED  
37 COMMUNICATIONS.

38 (3) THE CERTIFIED PHYSICAL THERAPIST ASSISTANT MAY SUBMIT  
39 TO THE BOARD TESTIMONY OR EXAMINATION REPORTS FROM A HEALTH  
40 CARE PROVIDER CHOSEN BY THE CERTIFIED PHYSICAL THERAPIST  
41 ASSISTANT PERTAINING TO THE CONDITION THAT THE BOARD HAS ALLEGED



1 MAY PRECLUDE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT FROM  
2 PRACTICING WITH REASONABLE SKILL AND SAFETY. THE BOARD MAY  
3 CONSIDER SUCH TESTIMONY OR EXAMINATION REPORTS IN CONJUNCTION  
4 WITH, BUT NOT IN LIEU OF, TESTIMONY AND EXAMINATION REPORTS OF THE  
5 HEALTH CARE PROVIDER DESIGNATED BY THE BOARD.

6 (4) A PERSON SHALL NOT USE THE RESULTS OF ANY MENTAL OR  
7 PHYSICAL EXAMINATION ORDERED BY THE BOARD AS EVIDENCE IN ANY  
8 PROCEEDING OTHER THAN ONE BEFORE THE BOARD. THE EXAMINATION  
9 RESULTS ARE NOT PUBLIC RECORDS AND ARE NOT AVAILABLE TO THE  
10 PUBLIC.

11 **12-41-214. Examinations - notice - confidential agreements.**

12 (1) IF A CERTIFIED PHYSICAL THERAPIST ASSISTANT SUFFERS FROM A  
13 PHYSICAL OR MENTAL ILLNESS OR CONDITION RENDERING THE CERTIFIED  
14 PHYSICAL THERAPIST ASSISTANT UNABLE TO PRACTICE WITH REASONABLE  
15 SKILL AND PATIENT SAFETY, THE CERTIFIED PHYSICAL THERAPIST  
16 ASSISTANT SHALL NOTIFY THE BOARD OF THE ILLNESS OR CONDITION IN A  
17 MANNER AND WITHIN A PERIOD OF TIME DETERMINED BY THE BOARD. THE  
18 BOARD MAY REQUIRE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT TO  
19 SUBMIT TO AN EXAMINATION, OR THE BOARD MAY EVALUATE THE EXTENT  
20 OF THE ILLNESS OR CONDITION AND ITS IMPACT ON THE CERTIFIED  
21 PHYSICAL THERAPIST ASSISTANT'S ABILITY TO PRACTICE WITH  
22 REASONABLE SKILL AND SAFETY TO PATIENTS.

23 (2) (a) UPON DETERMINING THAT A CERTIFIED PHYSICAL  
24 THERAPIST ASSISTANT WITH A PHYSICAL OR MENTAL ILLNESS OR  
25 CONDITION IS ABLE TO RENDER LIMITED PHYSICAL THERAPY WITH  
26 REASONABLE SKILL AND PATIENT SAFETY, THE BOARD MAY ENTER INTO A  
27 CONFIDENTIAL AGREEMENT WITH THE CERTIFIED PHYSICAL THERAPIST  
28 ASSISTANT IN WHICH THE CERTIFIED PHYSICAL THERAPIST ASSISTANT  
29 AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTIONS  
30 IMPOSED BY THE ILLNESS OR CONDITION, AS DETERMINED BY THE BOARD.

31 (b) THE AGREEMENT MUST SPECIFY THAT THE CERTIFIED PHYSICAL  
32 THERAPIST ASSISTANT IS SUBJECT TO PERIODIC REEVALUATIONS OR  
33 MONITORING AS DETERMINED APPROPRIATE BY THE BOARD.

34 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS  
35 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF  
36 MONITORING.

37 (d) BY ENTERING INTO AN AGREEMENT WITH THE BOARD UNDER  
38 THIS SUBSECTION (2) TO LIMIT HIS OR HER PRACTICE, THE CERTIFIED  
39 PHYSICAL THERAPIST ASSISTANT IS NOT ENGAGING IN UNPROFESSIONAL  
40 CONDUCT. THE AGREEMENT IS AN ADMINISTRATIVE ACTION AND DOES  
41 NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE BOARD.

1 HOWEVER, IF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT FAILS TO  
2 COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO  
3 THIS SUBSECTION (2), THE FAILURE CONSTITUTES GROUNDS FOR  
4 DISCIPLINARY ACTION UNDER SECTION 12-41-210 (1) (i) AND THE  
5 CERTIFIED PHYSICAL THERAPIST ASSISTANT IS SUBJECT TO DISCIPLINE IN  
6 ACCORDANCE WITH SECTION 12-41-211.

7 (3) THIS SECTION DOES NOT APPLY TO A PHYSICAL THERAPIST  
8 ASSISTANT SUBJECT TO DISCIPLINE UNDER SECTION 12-41-210 (1) (h).

9 **12-41-215. Reports by insurance companies.** (1) (a) EACH  
10 INSURANCE COMPANY LICENSED TO DO BUSINESS IN THIS STATE AND  
11 ENGAGED IN THE WRITING OF MALPRACTICE INSURANCE FOR PHYSICAL  
12 THERAPIST ASSISTANTS SHALL SEND TO THE BOARD INFORMATION ABOUT  
13 ANY MALPRACTICE CLAIM THAT INVOLVES A PHYSICAL THERAPIST  
14 ASSISTANT AND IS SETTLED OR IN WHICH JUDGMENT IS RENDERED AGAINST  
15 THE INSURED.

16 (b) IN ADDITION, THE INSURANCE COMPANY SHALL SUBMIT  
17 SUPPLEMENTARY REPORTS CONTAINING THE DISPOSITION OF THE CLAIM TO  
18 THE BOARD WITHIN NINETY DAYS AFTER SETTLEMENT OR JUDGMENT.

19 (2) REGARDLESS OF THE DISPOSITION OF ANY CLAIM, THE  
20 INSURANCE COMPANY SHALL PROVIDE SUCH INFORMATION AS THE BOARD  
21 FINDS REASONABLY NECESSARY TO CONDUCT ITS OWN INVESTIGATION  
22 AND HEARING.

23 **12-41-216. Unauthorized practice - penalties.** ANY PERSON  
24 WHO VIOLATES SECTION 12-41-202 OR 12-41-203 WITHOUT AN ACTIVE  
25 CERTIFICATION ISSUED UNDER THIS PART 2 COMMITS A CLASS 2  
26 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
27 18-1.3-501, C.R.S.

28 **12-41-217. Violation - fines.** (1) NOTWITHSTANDING SECTION  
29 12-41-216, THE BOARD MAY ASSESS A FINE FOR A VIOLATION OF THIS PART  
30 2 OR A RULE ADOPTED UNDER THIS PART 2.

31 (2) THE FINE SHALL NOT BE GREATER THAN ONE THOUSAND  
32 DOLLARS AND SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO  
33 SHALL CREDIT THE SAME TO THE GENERAL FUND.

34 (3) ALL FINES MUST BE IMPOSED AT A HEARING HELD IN  
35 ACCORDANCE WITH SECTION 24-4-105, C.R.S., BUT ARE NOT A SUBSTITUTE  
36 OR WAIVER OF A CRIMINAL PENALTY.

37 **12-41-218. Injunctive proceedings.** THE BOARD MAY, IN THE  
38 NAME OF THE PEOPLE OF THE STATE OF COLORADO, THROUGH THE  
39 ATTORNEY GENERAL OF COLORADO, APPLY FOR AN INJUNCTION TO A  
40 COURT TO ENJOIN A PERSON FROM COMMITTING AN ACT DECLARED TO BE  
41 A MISDEMEANOR BY THIS PART 2. IF IT IS ESTABLISHED THAT THE

1 DEFENDANT HAS BEEN OR IS COMMITTING AN ACT DECLARED TO BE A  
2 MISDEMEANOR BY THIS PART 2, THE COURT SHALL ENTER A DECREE  
3 PERPETUALLY ENJOINING THE DEFENDANT FROM FURTHER COMMITTING  
4 THE ACT. IF A PERSON VIOLATES AN INJUNCTION ISSUED UNDER THIS  
5 SECTION, THE COURT MAY TRY AND PUNISH THE OFFENDER FOR CONTEMPT  
6 OF COURT. AN INJUNCTION PROCEEDING IS IN ADDITION TO, AND NOT IN  
7 LIEU OF, ALL PENALTIES AND OTHER REMEDIES PROVIDED IN THIS PART 2.

8 **12-41-219. Limitation on authority.** THE AUTHORITY GRANTED  
9 TO THE BOARD BY THIS PART 2 DOES NOT AUTHORIZE THE BOARD TO  
10 ARBITRATE OR ADJUDICATE FEE DISPUTES BETWEEN PHYSICAL THERAPIST  
11 ASSISTANTS OR BETWEEN A PHYSICAL THERAPIST ASSISTANT AND  
12 ANOTHER PARTY.

13 **12-41-220. Fees and expenses.** ALL FEES COLLECTED UNDER THIS  
14 PART 2 SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED IN THE  
15 SAME MANNER AS SET FORTH IN SECTION 24-34-105, C.R.S."

16 Strike pages 40 through 54.

17 Page 55, strike lines 1 through 24.

18 Page 55, line 25, strike "**12-41-216.**" and substitute "**12-41-221.**"

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