

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0119.01 Jery Payne

SENATE BILL 11-169

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SENATE SPONSORSHIP

Boyd,

HOUSE SPONSORSHIP

Summers,

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Senate Committees

Health and Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF PEOPLE WORKING WITHIN A  
102 PHYSICAL THERAPIST'S SCOPE OF PRACTICE.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Sunset Process - Senate Health and Human Services Committee.** The bill implements the following recommendations of the department of regulatory agencies in its sunset review of the regulation of physical therapists:

! The regulation of physical therapists is continued until

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.*

2018.

- ! The board of physical therapy (board) is reestablished and the physical therapy advisory committee is repealed.
- ! Physical therapists are permitted to use an automated external defibrillator.
- ! The program of "All-inclusive Care for the Elderly" is added to the list of physical therapy work settings that are exempt from the corporate practice law.
- ! A physical therapist's failure to properly address a physical or mental condition is established as grounds for discipline, and the board is authorized to create confidential agreements with physical therapists to address these conditions.
- ! Physical therapists are required to maintain professional liability insurance.
- ! The standard for discipline for inappropriate drug use is changed to be triggered by acts, not status.
- ! Physical therapists who have had their licenses revoked or who have surrendered their licenses, in lieu of disciplinary action, are required to wait 2 years to reapply.
- ! Failure to respond to a complaint is established as grounds for discipline.
- ! The provision denying renewal of an existing physical therapist license is repealed.

In addition, the scope of a physical therapist's practice is expanded to include wound care.

The bill authorizes the heir of a shareholder of a physical therapy practice to own the practice for up to 2 years even if the heir is not a physical therapist. The physical therapy board is directed to promulgate rules covering the supervision of assistants and nurse aides.

The bill authorizes the physical therapy board to certify physical therapist assistants. Certification is needed to hold oneself out to be a physical therapist assistant. In order to qualify to be certified as a physical therapist assistant, an applicant must pass an examination and complete a training program. Alternatively, the applicant must have qualified to take the examination or qualified for certification by endorsement. Grounds for withholding or denial of a certificate are established.

An applicant for licensure must submit an application and pay a fee established by the board.

A physical therapist assistant must be under the supervision of a physical therapist to assist in the clinical practice of physical therapy. Grounds for discipline and discipline procedures are established.

The bill establishes standards for mental and physical competency and for judicial review of board actions resulting in the surrender of a

physical therapist assistant's certificate. A person who violates the qualification standards for physical therapist assistants is subject to penalties. The board may initiate injunction proceedings against a person practicing in violation of the certification requirements.

The functions of the board are subject to review and potential repeal under the sunset law.

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

2 **SECTION 1. Repeal.** 24-34-104 (42) (e), Colorado Revised  
3 Statutes, is repealed as follows:

4 **24-34-104. General assembly review of regulatory agencies**  
5 **and functions for termination, continuation, or reestablishment.**

6 (42) The following agencies, functions, or both, shall terminate on July  
7 1, 2011:

8 (e) ~~The licensing of physical therapists by the director of the~~  
9 ~~division of registrations in accordance with article 41 of title 12, C.R.S.;~~

10 **SECTION 2.** 24-34-104 (49.5), Colorado Revised Statutes, is  
11 amended to read:

12 **24-34-104. General assembly review of regulatory agencies**  
13 **and functions for termination, continuation, or reestablishment.**

14 (49.5) The following agencies, functions, or both, shall terminate on  
15 September 1, 2018:

16 (a) The automobile theft prevention authority and the automobile  
17 theft prevention board, created in section 42-5-112, C.R.S.;

18 (b) THE LICENSING OF PHYSICAL THERAPISTS BY THE PHYSICAL  
19 THERAPY BOARD IN ACCORDANCE WITH ARTICLE 41 OF TITLE 12, C.R.S.;

20 (c) THE CERTIFICATION OF PHYSICAL THERAPIST ASSISTANTS BY  
21 THE PHYSICAL THERAPY BOARD IN ACCORDANCE WITH ARTICLE 41 OF  
22 TITLE 12, C.R.S.

1           **SECTION 3.** 12-41-130 (1) and (2) (a), Colorado Revised  
2 Statutes, are amended to read:

3           **12-41-130. Repeal of article.** (1) This ~~article~~ PART 1 is repealed,  
4 effective ~~July 1, 2011~~ SEPTEMBER 1, 2018.

5           (2) (a) The licensing functions of the ~~director of the division of~~  
6 ~~registrations~~ BOARD as set forth in this ~~article~~ PART 1 are terminated ~~July~~  
7 ~~1, 2011~~ SEPTEMBER 1, 2018.

8           **SECTION 4.** 12-41-103 (5), Colorado Revised Statutes, is  
9 amended, and the said 12-41-103 is further amended BY THE  
10 ADDITION OF A NEW SUBSECTION, to read:

11           **12-41-103. Definitions.** As used in this article, unless the context  
12 otherwise requires:

13           (1.5) "BOARD" MEANS THE PHYSICAL THERAPY BOARD CREATED  
14 IN SECTION 12-41-103.3.

15           (5) "Physical therapist" means a person who is licensed to practice  
16 physical therapy. The ~~terms~~ TERM "physiotherapist" and "~~physical~~  
17 ~~therapy technician~~" ~~are~~ IS synonymous with the term "physical therapist".

18           **SECTION 5.** 12-41-103 (6) (a) (II), Colorado Revised Statutes,  
19 is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH  
20 to read:

21           **12-41-103. Definitions.** As used in this article, unless the context  
22 otherwise requires:

23           (6) (a) (II) For purposes of this article "physical therapy" includes:

24           (F) GENERAL WOUND CARE, INCLUDING THE ASSESSMENT AND  
25 MANAGEMENT OF SKIN LESIONS, SURGICAL INCISIONS, OPEN WOUNDS, AND  
26 AREAS OF POTENTIAL SKIN BREAKDOWN IN ORDER TO MAINTAIN OR  
27 RESTORE THE INTEGUMENTARY SYSTEM.

1           **SECTION 6.** Article 41 of title 12, Colorado Revised Statutes, is  
2 amended BY THE ADDITION OF A NEW SECTION to read:

3           **12-41-103.3. Physical therapy board - created - repeal.**

4           (1) (a) THE STATE PHYSICAL THERAPY BOARD IS HEREBY CREATED AS THE  
5 AGENCY FOR REGULATION OF THE PRACTICE OF PHYSICAL THERAPY IN THIS  
6 STATE AND TO CARRY OUT THE PURPOSES OF THIS ARTICLE. THE BOARD  
7 IS UNDER THE SUPERVISION AND CONTROL OF THE DIVISION OF  
8 REGISTRATIONS AS PROVIDED IN SECTION 24-34-102, C.R.S. THE BOARD  
9 CONSISTS OF FIVE PHYSICAL THERAPIST MEMBERS AND TWO MEMBERS  
10 FROM THE PUBLIC AT LARGE, EACH MEMBER TO BE APPOINTED BY THE  
11 GOVERNOR BY NO LATER THAN JANUARY 1, 2012, FOR TERMS OF FOUR  
12 YEARS. A MEMBER SHALL NOT SERVE MORE THAN TWO CONSECUTIVE  
13 TERMS OF FOUR YEARS. THE GOVERNOR SHALL GIVE DUE CONSIDERATION  
14 TO HAVING A GEOGRAPHIC, POLITICAL, URBAN, AND RURAL BALANCE  
15 AMONG THE BOARD MEMBERS.

16           (b) (I) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION  
17 (1), THE INITIAL TERMS OF THE PHYSICAL THERAPIST MEMBERS ARE AS  
18 FOLLOWS:

- 19           (A) ONE MEMBER SERVES A TWO-YEAR TERM;
- 20           (B) TWO MEMBERS SERVE THREE-YEAR TERMS; AND
- 21           (C) TWO MEMBERS SERVE FOUR-YEAR TERMS.

22           (II) THE INITIAL TERMS FOR THE PUBLIC MEMBERS ARE AS  
23 FOLLOWS:

- 24           (A) ONE MEMBER SERVES A TWO-YEAR TERM; AND
- 25           (B) ONE MEMBER SERVES A FOUR-YEAR TERM.

26           (III) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
27 2016.

1 (2) A PERSON IS QUALIFIED TO BE APPOINTED TO THE BOARD IF THE  
2 PERSON:

3 (a) IS A LEGAL RESIDENT OF COLORADO; AND

4 (b) IS CURRENTLY LICENSED IN GOOD STANDING, WITH NO  
5 RESTRICTIONS, AS A PHYSICAL THERAPIST AND ACTIVELY ENGAGED IN THE  
6 PRACTICE OF PHYSICAL THERAPY IN THIS STATE FOR AT LEAST FIVE YEARS  
7 PRECEDING HIS OR HER APPOINTMENT, IF FULFILLING THE POSITION OF  
8 PHYSICAL THERAPIST ON THE BOARD.

9 (3) SHOULD A VACANCY OCCUR IN ANY BOARD MEMBERSHIP  
10 BEFORE THE EXPIRATION OF THE MEMBER'S TERM, THE GOVERNOR SHALL  
11 FILL SUCH VACANCY BY APPOINTMENT FOR THE REMAINDER OF THE TERM  
12 IN THE SAME MANNER AS IN THE CASE OF ORIGINAL APPOINTMENTS. A  
13 MEMBER OF THE BOARD SHALL REMAIN ON THE BOARD UNTIL HIS OR HER  
14 SUCCESSOR HAS BEEN APPOINTED. A MEMBER MAY BE REMOVED BY THE  
15 GOVERNOR FOR MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY.

16 **SECTION 7.** Article 41 of title 12, Colorado Revised Statutes, is  
17 amended BY THE ADDITION OF A NEW SECTION CONTAINING  
18 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

19 **12-41-103.6. [Formerly 12-41-125] Powers and duties of**  
20 **board - reports - publications - rules - repeal.** (1) (a) The ~~director is~~  
21 ~~authorized to~~ BOARD SHALL administer and enforce the provisions of this  
22 article and ~~any rules and regulations~~ adopted under this article.

23 (b) THE DIRECTOR RETAINS THE AUTHORITY GRANTED TO THE  
24 BOARD UNTIL A BOARD IS CONSTITUTED AND RULES ARE PROMULGATED.  
25 THE DIRECTOR'S RULES REMAIN IN EFFECT UNTIL REPEALED BY THE  
26 DIRECTOR. THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2013.

27 (2) In addition to any other powers and duties given the ~~director~~

1 BOARD by this article, the ~~director shall have~~ BOARD HAS the following  
2 powers and duties:

3 (a) To evaluate the qualifications of applicants for licensure,  
4 administer examinations, issue and renew ~~the~~ licenses and permits  
5 authorized under this article, and to take ~~the~~ disciplinary actions  
6 authorized under this article;

7 (b) To adopt all reasonable and necessary rules for the  
8 administration and enforcement of this article, including ~~but not limited~~  
9 ~~to~~, rules regarding:

10 (I) The supervision of unlicensed persons by physical therapists,  
11 taking into account the education and training of ~~such~~ THE unlicensed  
12 individuals; and

13 (II) Physical therapy of animals, including, without limitation,  
14 educational and clinical requirements for the performance of physical  
15 therapy of animals and the procedure for handling complaints to the  
16 department of regulatory agencies regarding physical therapy of animals.  
17 In adopting such rules, the ~~director~~ BOARD shall consult ~~with the physical~~  
18 ~~therapy advisory committee established pursuant to section 12-41-126 and~~  
19 ~~with the state board of veterinary medicine established pursuant to~~ BY  
20 section 12-64-105.

21 (c) (I) To conduct hearings upon charges for discipline of a  
22 licensee and cause the prosecution and enjoinder of all persons violating  
23 this article;

24 (II) (A) To administer oaths, take affirmations of witnesses, and  
25 issue subpoenas to compel the attendance of witnesses and the production  
26 of all relevant papers, books, records, documentary evidence, and  
27 materials in any hearing, investigation, accusation, or other matter coming

1 before the ~~director~~ BOARD. The ~~director~~ BOARD may appoint an  
2 administrative law judge pursuant to part 10 of article 30 of title 24,  
3 C.R.S., to take evidence and to make findings and report them to the  
4 ~~director~~ BOARD.

5 ~~(HH)~~ (B) Upon failure of ~~any~~ A witness to comply with ~~such~~ A  
6 subpoena or process, the district court of the county in which the  
7 subpoenaed person or ~~license~~ LICENSEE resides or conducts business,  
8 upon application by the board ~~or director~~ with notice to the subpoenaed  
9 person or licensee, may issue to the person or licensee an order requiring  
10 that person or licensee to appear before the ~~director~~ BOARD; to produce  
11 the relevant papers, books, records, documentary evidence, or materials  
12 if so ordered; or to give evidence touching the matter under investigation  
13 or in question. THE COURT MAY PUNISH A failure to obey ~~the~~ ITS order ~~of~~  
14 ~~the court may be punished by the court~~ as a contempt of court.

15 (d) To maintain a register listing the name of every physical  
16 therapist, ~~licensed to practice in this state~~, including the ~~last-known place~~  
17 ~~of business~~ CONTACT ADDRESS, last-known place of residence, and the  
18 license number of each licensee;

19 ~~(e) Repealed.~~

20 ~~(f)~~ (e) Subject to ~~the provisions of section~~ SECTIONS 12-41-128  
21 and ~~section~~ 24-34-105, C.R.S., to establish fines, set fees, and make ~~such~~  
22 expenditures as the ~~director~~ BOARD may deem necessary for the  
23 administration ~~of the provisions~~ of this article; AND

24 ~~(g) Repealed.~~

25 ~~(h)~~ To ensure that publications issued or circulated by the director  
26 ~~in quantity outside the executive branch are in accordance with the~~  
27 ~~provisions of section 24-1-136, C.R.S.;~~



1           (i) (f) To promote consumer protection and consumer education  
2 by such means as the ~~director~~ BOARD finds appropriate. ~~and~~

3           ~~(j) To appoint advisory committees to assist in the performance of~~  
4 ~~the director's duties. Members of any such advisory committee shall~~  
5 ~~receive no compensation for their services but shall be reimbursed for~~  
6 ~~actual and necessary expenses which they may incur in the performance~~  
7 ~~of their duties. Such reimbursement shall be cash funded and shall not~~  
8 ~~exceed the amount anticipated to be raised from fees collected pursuant~~  
9 ~~to this article.~~

10           **SECTION 8.** The introductory portion to 12-41-105 (1) and  
11 12-41-105 (1) (b), Colorado Revised Statutes, are amended to read:

12           **12-41-105. Limitations on authority.** (1) Nothing in this article  
13 ~~shall be construed as authorizing~~ AUTHORIZES a physical therapist to  
14 perform any of the following acts:

15           (b) Use of roentgen rays and radioactive materials for therapeutic  
16 purposes; the use of electricity for surgical purposes; ~~or lifesaving~~  
17 ~~measures;~~ or the diagnosis of disease.

18           **SECTION 9.** 12-41-106, Colorado Revised Statutes, is amended  
19 to read:

20           **12-41-106. License required.** Except as otherwise provided by  
21 this article, any person who practices physical therapy or who represents  
22 oneself as being able to practice physical therapy in this state must  
23 possess a valid license issued by the ~~director in accordance with~~ BOARD  
24 UNDER this article and ~~any rules and regulations~~ adopted under this  
25 article.

26           **SECTION 10.** 12-41-107, Colorado Revised Statutes, is amended  
27 to read:

1           **12-41-107. Licensure by examination.** (1) Every applicant for  
2 a license by examination shall:

3           (a) Successfully complete a physical therapy program:

4           (I) ~~Which~~ THAT is accredited by a nationally recognized  
5 accrediting agency; or

6           (II) ~~Which~~ THAT the director, after consultation with the advisory  
7 ~~committee created in section 12-41-126,~~ BOARD has determined to be  
8 substantially equivalent. ~~It is the intent of~~ The general assembly INTENDS  
9 that ~~such~~ THIS determination be liberally construed to ensure qualified  
10 applicants seeking licensure under this article the right to take the  
11 qualifying examination. ~~authorized under this article. It is not the intent~~  
12 ~~of~~ The general assembly ~~that~~ DOES NOT INTEND FOR technical barriers TO  
13 be used to deny such applicants the right to take ~~such~~ THE examination.

14           (b) Pass a written examination ~~administered by the director~~ in  
15 accordance with subsection (2) of this section THAT IS:

16           (I) APPROVED BY THE BOARD; AND

17           (II) A NATIONAL EXAMINATION ACCREDITED BY A NATIONALLY  
18 RECOGNIZED ACCREDITING AGENCY;

19           (c) Submit an application in the form and manner designated by  
20 the director; and

21           (d) Pay a fee in an amount determined by the director.

22           (2) ~~(a) The director shall prepare and develop or acquire the~~  
23 ~~examination required for licensing. In developing or acquiring such~~  
24 ~~examination, the director or the director's designee is authorized to~~  
25 ~~consult with persons or organizations knowledgeable in the requirements~~  
26 ~~necessary for minimal competency in the practice of physical therapy.~~

27           ~~(b) The examination shall be held within the state at such times~~

1 and places as the director shall determine.

2 (c) ~~The director shall determine the passing score to reflect a~~  
3 ~~standard of minimum competency for the practice of physical therapy.~~

4 (d) The ~~director~~ BOARD may refuse to ~~examine~~ PERMIT an  
5 applicant TO TAKE THE EXAMINATION if the application is incomplete, if  
6 ~~it indicates that~~ the applicant is not qualified to sit for the examination, or  
7 if the applicant has committed any act which would be grounds for  
8 disciplinary action under section 12-41-115.

9 (e) ~~Written notice stating whether the applicant passed or failed~~  
10 ~~the examination shall be mailed to each applicant who takes the~~  
11 ~~examination.~~

12 (3) When the applicant has fulfilled all the requirements of  
13 subsection (1) of this section, the ~~director~~ BOARD shall issue a license to  
14 the applicant; except that the ~~director~~ BOARD may deny ~~such~~ THE license  
15 if the applicant has committed ~~any~~ AN act which would be grounds for  
16 disciplinary action under section 12-41-115.

17 **SECTION 11.** 12-41-109 (2), (4), and (5), Colorado Revised  
18 Statutes, are amended to read:

19 **12-41-109. Licensure by endorsement.** (2) Upon receipt of all  
20 documents required by subsection (1) of this section, the director shall  
21 review the application and ~~make a determination of~~ DETERMINE IF the  
22 ~~applicant's qualification~~ APPLICANT IS QUALIFIED to be licensed by  
23 endorsement.

24 (4) The ~~director~~ BOARD shall notify the applicant in writing of the  
25 denial or approval of the application.

26 (5) The ~~director~~ BOARD may deny ~~such~~ A license if the applicant  
27 has committed ~~any~~ AN act which would be grounds for disciplinary action

1 under section 12-41-115.

2 **SECTION 12.** The introductory portion to 12-41-109 (3) and  
3 12-41-109 (3) (c) (I), as it will become effective July 1, 2011, Colorado  
4 Revised Statutes, are amended to read:

5 **12-41-109. Licensure by endorsement.** (3) The ~~director~~ BOARD  
6 shall issue a license if the applicant fulfills the requirements of subsection  
7 (1) of this section and meets any one of the following qualifying  
8 standards enumerated in paragraphs (a) to (c) of this subsection (3):

9 (c) The applicant has not practiced as a licensed physical therapist  
10 at least two of the last five years immediately preceding the date of the  
11 receipt of the application, and:

12 (I) The applicant passed an examination in another jurisdiction  
13 ~~which examination~~ THAT is substantially equivalent to ~~that~~ THE  
14 EXAMINATION specified in section 12-41-107 (2), and has demonstrated  
15 competency through successful completion of an internship or  
16 demonstrated competency as a physical therapist ~~that fulfills~~ BY  
17 FULFILLING the requirements established by rules of the ~~director~~ BOARD.

18 **SECTION 13.** 12-41-111 (1) (c), (2), and (3), Colorado Revised  
19 Statutes, are amended to read:

20 **12-41-111. Licensing of foreign-trained applicants.** (1) Every  
21 foreign-trained applicant for licensing by examination shall:

22 (c) Pass a written examination ~~administered~~ APPROVED by the  
23 ~~director~~ BOARD in accordance with section 12-41-107 ~~(2)~~ (1) (b);

24 (2) ~~When the director has verified the credentials and documents~~  
25 ~~required to be submitted by the foreign-trained applicant pursuant to~~  
26 ~~paragraphs (a), (b), (d), and (e) of subsection (1) of this section, he shall~~  
27 ~~qualify such applicant to take the examination required in paragraph (c)~~

1 ~~of subsection (1) of this section~~ UPON RECEIPT OF ALL DOCUMENTS  
2 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL  
3 REVIEW THE APPLICATION AND DETERMINE IF THE APPLICANT IS QUALIFIED  
4 TO BE LICENSED BY ENDORSEMENT.

5 (3) When the applicant has fulfilled all requirements of subsection  
6 (1) of this section, the ~~director~~ BOARD shall issue a license to the  
7 applicant; except that the ~~director~~ BOARD may deny the application if the  
8 applicant has committed ~~any~~ AN act which would be grounds for  
9 disciplinary action under section 12-41-115.

10 **SECTION 14.** 12-41-112, Colorado Revised Statutes, is  
11 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12 **12-41-112. Expiration and renewal of licenses.** AN APPLICANT  
13 FOR LICENSURE SHALL PAY LICENSE, RENEWAL, AND REINSTATEMENT FEES  
14 ESTABLISHED BY THE DIRECTOR IN THE SAME MANNER AS IS AUTHORIZED  
15 IN SECTION 24-34-105, C.R.S. A LICENSEE SHALL RENEW A LICENSE IN  
16 ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE DIRECTOR  
17 PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY  
18 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT  
19 UNDER SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW A  
20 LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR,  
21 THE LICENSE EXPIRES. A PERSON WHOSE LICENSE HAS EXPIRED IS SUBJECT  
22 TO THE PENALTIES PROVIDED IN THIS ARTICLE AND SECTION 24-34-102 (8),  
23 C.R.S.

24 **SECTION 15.** 12-41-113 (1), Colorado Revised Statutes, is  
25 amended to read:

26 **12-41-113. Special practice authorities and requirements -**  
27 **rules. (1) Using persons not licensed as a physical therapist. A**

1 ~~physical therapist may utilize the services of not more than three~~  
2 ~~unlicensed individuals to assist in that therapist's practice. Such~~  
3 ~~individuals shall at all times be under the direct supervision of the~~  
4 ~~physical therapist unless such individuals are physical therapist assistants~~  
5 ~~who shall be under responsible direction and supervision of the physical~~  
6 ~~therapist~~ THE BOARD SHALL PROMULGATE RULES GOVERNING HOW A  
7 PHYSICAL THERAPIST UTILIZES THE SERVICES OF NOT MORE THAN FOUR  
8 INDIVIDUALS AT ONE TIME WHO ARE NOT PHYSICAL THERAPISTS,  
9 INCLUDING CERTIFIED NURSE AIDES, TO ASSIST IN THE THERAPIST'S  
10 CLINICAL PRACTICE. STUDENT PHYSICAL THERAPISTS AND STUDENT  
11 PHYSICAL THERAPIST ASSISTANTS UTILIZED BY A PHYSICAL THERAPIST FOR  
12 EDUCATIONAL PURPOSES ARE NOT INCLUDED IN THIS NUMERICAL LIMIT.  
13 For purposes of this subsection (1), a "physical therapist assistant" means  
14 a person ~~who has successfully completed a physical therapist assistant~~  
15 ~~program accredited by the commission on accreditation in physical~~  
16 ~~therapy education or any comparable successor entity; who is registered,~~  
17 ~~licensed, or certified as a physical therapist assistant in another state; or~~  
18 ~~who has otherwise qualified to take the physical therapy examination.~~  
19 For purposes of this subsection (1), "direct supervision" shall mean  
20 supervision that is on the premises where any such unlicensed individuals  
21 are practicing CERTIFIED UNDER PART 2 OF THIS ARTICLE.

22           **SECTION 16.** The introductory portion to 12-41-114 (1) and  
23 12-41-114 (1) (f), (1) (g), and (1) (h), Colorado Revised Statutes, are  
24 amended to read:

25           **12-41-114. Scope of article - exclusions.** (1) Nothing contained  
26 in this article shall prohibit PROHIBITS:

27           (f) The practice of physical therapy in this state by any A legally

1 qualified physical therapist from another state or country when providing  
2 services in the absence of a physical therapist licensed in this state, so  
3 long as ~~said~~ THE unlicensed physical therapist is acting in accordance with  
4 rules ~~and regulations~~ established by the ~~director~~. ~~Such unlicensed~~  
5 ~~practice~~ BOARD. A PERSON shall not ~~be of~~ PRACTICE WITHOUT A LICENSE  
6 UNDER THIS PARAGRAPH (f) FOR more than four weeks' duration ~~and no~~  
7 ~~person shall be authorized by the director to undertake such practice~~ OR  
8 more than once in any twelve-month period.

9 (g) The practice of physical therapy in this state by ~~any~~ A legally  
10 qualified physical therapist from another state or country for the purpose  
11 of participating in an educational program of not more than six weeks'  
12 duration. ~~Prior notice of intent to participate shall be given to the director~~  
13 ~~and is subject to the director's approval. Upon written application by the~~  
14 ~~participant, an extension may be granted by the director.~~

15 (h) The provision of physical therapy services in this state by ~~any~~  
16 AN individual from another country who is engaged in a physical therapy  
17 related educational program if ~~said~~ THE program is sponsored by an  
18 institution, agency, or individual approved by the ~~director~~ if ~~said~~ BOARD,  
19 THE program is under the direction and supervision of a physical therapist  
20 licensed in this state, and ~~if said~~ THE program does not exceed twelve  
21 consecutive months' duration without the specific approval of the ~~director~~  
22 BOARD;

23 **SECTION 17.** Article 41 of title 12, Colorado Revised Statutes,  
24 is amended BY THE ADDITION OF THE FOLLOWING NEW  
25 SECTIONS to read:

26 **12-41-114.5. Professional liability insurance required - rules.**

27 (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON

1 SHALL NOT PRACTICE PHYSICAL THERAPY UNLESS THE PERSON PURCHASES  
2 AND MAINTAINS PROFESSIONAL LIABILITY INSURANCE OF AT LEAST ONE  
3 MILLION DOLLARS PER CLAIM AND AT LEAST THREE MILLION DOLLARS PER  
4 YEAR FOR ALL CLAIMS.

5 (2) THE BOARD MAY BY RULE ESTABLISH LESSER FINANCIAL  
6 RESPONSIBILITY STANDARDS FOR A CLASS OF PHYSICAL THERAPISTS  
7 WHOSE PRACTICE DOES NOT REQUIRE THE LEVEL OF PUBLIC PROTECTION  
8 ESTABLISHED BY SUBSECTION (1) OF THIS SECTION. THE BOARD SHALL  
9 NOT ESTABLISH GREATER FINANCIAL RESPONSIBILITY STANDARDS THAN  
10 THOSE ESTABLISHED IN SUBSECTION (1) OF THIS SECTION.

11 **12-41-114.6. Continuing professional competency.** (1) (a) A  
12 LICENSED PHYSICAL THERAPIST SHALL MAINTAIN CONTINUING  
13 PROFESSIONAL COMPETENCY TO PRACTICE.

14 (b) THE BOARD, IN CONSULTATION WITH A NATIONALLY  
15 RECOGNIZED ACCREDITING AGENCY, SHALL ADOPT RULES ESTABLISHING  
16 A CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT  
17 A MINIMUM, THE FOLLOWING ELEMENTS:

18 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A  
19 PHYSICAL THERAPIST SEEKING TO RENEW OR REINSTATE A LICENSE;

20 (II) DEVELOPMENT, EXECUTION, AND DOCUMENTATION OF A  
21 LEARNING PLAN BASED ON THE ASSESSMENT; AND

22 (III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS  
23 THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE AT  
24 LEAST MINIMAL ABILITY TO SAFELY PRACTICE THE PROFESSION; EXCEPT  
25 THAT A LICENSED PHYSICAL THERAPIST NEED NOT RETAKE ANY  
26 EXAMINATION REQUIRED BY SECTION 12-41-107 FOR INITIAL LICENSURE.

27 (c) THE BOARD SHALL ESTABLISH THAT A LICENSED PHYSICAL



1 THERAPIST SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF  
2 THIS SECTION IF THE PHYSICAL THERAPIST MEETS THE CONTINUING  
3 PROFESSIONAL COMPETENCY REQUIREMENTS OF ONE OF THE FOLLOWING  
4 ENTITIES:

5 (I) A STATE DEPARTMENT, INCLUDING CONTINUING PROFESSIONAL  
6 COMPETENCY REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL  
7 ARRANGEMENT WITH A PROVIDER;

8 (II) AN ACCREDITING BODY RECOGNIZED BY THE BOARD; OR

9 (III) AN ENTITY APPROVED BY THE BOARD.

10 (d) (I) AFTER THE PROGRAM IS ESTABLISHED, A LICENSED  
11 PHYSICAL THERAPIST SHALL SATISFY THE REQUIREMENTS OF THE  
12 PROGRAM IN ORDER TO RENEW OR REINSTATE A LICENSE TO PRACTICE  
13 PHYSICAL THERAPY.

14 (II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL  
15 LICENSED PHYSICAL THERAPISTS, AND NOTHING IN THIS SECTION REQUIRES  
16 A PERSON WHO EMPLOYS OR CONTRACTS WITH A PHYSICAL THERAPIST TO  
17 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

18 (2) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION  
19 DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING  
20 PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT  
21 SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION  
22 WITH A CIVIL ACTION AGAINST A LICENSED PHYSICAL THERAPIST. A  
23 PERSON OR THE BOARD SHALL NOT USE THE RECORDS OR DOCUMENTS  
24 UNLESS USED BY THE BOARD TO DETERMINE WHETHER A LICENSED  
25 PHYSICAL THERAPIST IS MAINTAINING CONTINUING PROFESSIONAL  
26 COMPETENCY TO ENGAGE IN THE PROFESSION.

27 (3) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL

1 COMPETENCY" MEANS THE ONGOING ABILITY OF A PHYSICAL THERAPIST TO  
2 LEARN, INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT  
3 TO PRACTICE AS A PHYSICAL THERAPIST ACCORDING TO GENERALLY  
4 ACCEPTED STANDARDS AND PROFESSIONAL ETHICAL STANDARDS.

5 **SECTION 18.** The introductory portion to 12-41-115 (1) and  
6 12-41-115 (1) (g), (1) (j), (1) (l), (1) (m), (1) (n), (1) (o), (1) (p), (1) (q),  
7 and (1) (u), Colorado Revised Statutes, are amended, and the said  
8 12-41-115 (1) is further amended BY THE ADDITION OF THE  
9 FOLLOWING NEW PARAGRAPHS, to read:

10 **12-41-115. Grounds for disciplinary action.** (1) The ~~director~~  
11 ~~is authorized to~~ BOARD MAY take disciplinary action in accordance with  
12 section 12-41-116 against ~~any~~ A person who has:

13 (g) Engaged in any of the following activities and practices:  
14 Ordering or performance, without clinical justification, of demonstrably  
15 unnecessary laboratory tests or studies; the administration, without  
16 clinical justification, of treatment ~~which~~ THAT is demonstrably  
17 unnecessary; or ordering or performing, without clinical justification, any  
18 service, X ray, or treatment ~~which~~ THAT is contrary to recognized  
19 standards of the practice of physical therapy as interpreted by the ~~director~~  
20 BOARD;

21 (j) Offered, given, or received commissions, rebates, or other  
22 forms of remuneration for the referral of clients; ~~Notwithstanding this~~  
23 ~~provision~~, EXCEPT THAT a licensee may pay an independent advertising  
24 or marketing agent compensation for advertising or marketing services  
25 rendered ~~on his behalf~~ by ~~such~~ AN agent ON THE LICENSEE'S BEHALF,  
26 including compensation for referrals of clients identified through such  
27 services on a per-client basis;

1           (l) ~~A dependence on or addiction to alcohol or any habit-forming~~  
2 ~~drug or abuses or engages in~~ ENGAGED IN the habitual or excessive use  
3 OR ABUSE of ~~any such~~ ALCOHOL, A habit-forming drug, or ~~any~~ A  
4 controlled substance as defined in section 12-22-303;

5           (m) (I) ~~A physical or mental condition or disability which renders~~  
6 ~~such licensee unable to treat patients with reasonable skill and safety or~~  
7 ~~which may endanger the health or safety of persons under the licensee's~~  
8 ~~care~~ FAILED TO NOTIFY THE BOARD, AS REQUIRED BY SECTION 12-41-118  
9 (5), OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT IMPACTS THE  
10 LICENSEE'S ABILITY TO PERFORM PHYSICAL THERAPY WITH REASONABLE  
11 SKILL AND SAFETY TO PATIENTS;

12           (II) FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A  
13 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE  
14 LICENSEE UNABLE TO PERFORM PHYSICAL THERAPY WITH REASONABLE  
15 SKILL AND SAFETY TO THE PATIENT; OR

16           (III) FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER  
17 A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION 12-41-118;

18           (n) Refused to submit to a physical or mental examination when  
19 so ordered by the ~~director~~ BOARD pursuant to section 12-41-118;

20           (o) Failed to notify the ~~director~~, BOARD in writing of the entry of  
21 a final judgment by a court of competent jurisdiction ~~in favor of any party~~  
22 ~~and~~ against the licensee for malpractice of physical therapy or ~~any~~ A  
23 settlement by the licensee in response to charges or allegations of  
24 malpractice of physical therapy, ~~Such~~ WHICH notice ~~shall~~ MUST be given  
25 within ninety days ~~of~~ AFTER the entry of ~~such~~ judgment or ~~such~~ settlement  
26 and, in the case of a judgment, ~~shall~~ MUST contain the name of the court,  
27 the case number, and the names of all parties to the action;

1 (p) Violated or aided or abetted a violation of ~~any provision of this~~  
2 article, ~~any~~ A rule ~~or regulation~~ adopted under this article, or ~~any~~ A lawful  
3 order of the ~~director~~ BOARD;

4 (q) Been convicted of, ~~a felony or~~ pled guilty, or PLED nolo  
5 contendere to ANY CRIME RELATED TO THE LICENSEE'S PRACTICE OF  
6 PHYSICAL THERAPY OR a felony or committed ~~any~~ AN act specified in  
7 section 12-41-121. A certified copy of the judgment of a court of  
8 competent jurisdiction of such conviction or plea ~~shall be~~ IS conclusive  
9 evidence of such conviction or plea. In considering the disciplinary  
10 action, the ~~director shall be~~ BOARD IS governed by ~~the provisions of~~  
11 section 24-5-101, C.R.S.

12 (u) Practiced physical therapy during the time the person's license  
13 was LAPSED, suspended, or revoked;

14 (v) FAILED TO MAINTAIN THE INSURANCE REQUIRED BY SECTION  
15 12-41-114.5 OR A RULE PROMULGATED THEREUNDER;

16 (w) FAILED TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE,  
17 AND TIMELY MANNER TO A COMPLAINT ISSUED UNDER THIS ARTICLE;

18 (x) FAILED TO KNOW THE CONTENTS OF THIS PART 1 AND ANY  
19 RULES PROMULGATED UNDER THIS PART 1.

20 **SECTION 19.** 12-41-116 (1), (2) (a), (2) (b), (3), (3.5), and (4),  
21 Colorado Revised Statutes, are amended, and the said 12-41-116 is  
22 further amended BY THE ADDITION OF THE FOLLOWING NEW  
23 SUBSECTIONS, to read:

24 **12-41-116. Disciplinary actions.** (1) (a) The ~~director pursuant~~  
25 ~~to the provisions of~~ BOARD, IN ACCORDANCE WITH article 4 of title 24,  
26 C.R.S., may issue letters of admonition; ~~or may~~ deny, refuse to renew,  
27 suspend, or revoke any license; ~~may~~ place a licensee on probation; or ~~may~~

1 impose public censure or a fine, if ~~after notice and hearing~~, the director  
2 BOARD or the ~~director's~~ BOARD'S designee determines AFTER NOTICE AND  
3 THE OPPORTUNITY FOR A HEARING that the licensee has committed ~~any of~~  
4 ~~the acts~~ AN ACT specified in section 12-41-115.

5 (b) ~~The denial of an application to renew an existing license shall~~  
6 ~~be treated in all respects as a revocation. If an application to renew a~~  
7 ~~license is denied, the applicant, within sixty days after the date of the~~  
8 ~~notice of such action, may request a hearing as provided in section~~  
9 ~~24-4-105, C.R.S.~~

10 (c) The director BOARD may take disciplinary action on an  
11 emergency basis ~~as provided in~~ UNDER section 24-4-105, C.R.S.

12 (2) (a) When a complaint or investigation discloses an instance of  
13 misconduct that, in the opinion of the director BOARD, does not warrant  
14 formal action ~~by the director~~ but ~~that~~ should not be dismissed as being  
15 without merit, THE BOARD MAY SEND a letter of admonition ~~may be issued~~  
16 ~~and sent, by certified mail,~~ to the licensee.

17 (b) When THE BOARD SENDS a letter of admonition ~~is sent by the~~  
18 ~~director, by certified mail~~ to a licensee, ~~such licensee~~ THE BOARD shall ~~be~~  
19 ~~advised that he or she has the~~ NOTIFY THE LICENSEE OF THE LICENSEE'S  
20 right to request in writing, within twenty days after receipt of the letter,  
21 that formal disciplinary proceedings be initiated to adjudicate the  
22 propriety of the conduct ~~upon which~~ DESCRIBED IN the letter of  
23 admonition. ~~is based.~~

24 (3) In any disciplinary order ~~which~~ THAT allows a physical  
25 therapist to continue to practice, the ~~director~~ BOARD may impose upon the  
26 licensee such conditions as the ~~director~~ BOARD deems appropriate to  
27 ensure that the physical therapist is physically, mentally, and

1 professionally qualified to practice physical therapy in accordance with  
2 generally accepted professional standards. Such conditions may include  
3 any or all of the following:

4 (a) Examination of the physical therapist to determine his OR HER  
5 mental or physical condition, as provided in section 12-41-118, or to  
6 determine professional qualifications;

7 (b) Any therapy, training, or education ~~which~~ THAT the ~~director~~  
8 BOARD believes ~~to be~~ necessary to correct deficiencies found either  
9 ~~pursuant to~~ IN a proceeding in compliance with section 24-34-106,  
10 C.R.S., or through an examination ~~pursuant to~~ UNDER paragraph (a) of  
11 this subsection (3);

12 (c) ~~Any~~ A review or supervision of a licensee's practice ~~which~~  
13 THAT the ~~director~~ BOARD finds necessary to identify and correct  
14 deficiencies therein;

15 (d) Restrictions upon the nature and scope of practice to ensure  
16 that the licensee does not practice beyond the limits of ~~such~~ THE licensee's  
17 capabilities.

18 (3.5) When a complaint or investigation discloses an instance of  
19 conduct that does not warrant formal action by the ~~director~~ BOARD and,  
20 in the opinion of the ~~director~~ BOARD, the complaint should be dismissed,  
21 but the ~~director~~ BOARD has noticed indications of possible errant conduct  
22 by the licensee that could lead to serious consequences if not corrected,  
23 THE BOARD MAY SEND a confidential letter of concern ~~may be issued and~~  
24 ~~sent~~ to the licensee.

25 (4) The ~~director~~ BOARD may take disciplinary action against a  
26 physical therapist for failure to comply with any of the conditions  
27 imposed by the ~~director~~ ~~pursuant to~~ BOARD UNDER subsection (3) of this

1 section.

2 (5) A PERSON WHOSE LICENSE HAS EXPIRED IS SUBJECT TO THE  
3 PENALTIES PROVIDED IN THIS ARTICLE AND SECTION 24-34-102 (8), C.R.S.

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

11 **SECTION 20.** 12-41-117 (1), (2), (3), (5), (6), (7) (a), (8), (9),  
12 (10), (11) (a), (12), (13), and (14), Colorado Revised Statutes, are  
13 amended to read:

14 **12-41-117. Disciplinary proceedings - investigations - judicial**  
15 **review.** (1) The ~~director~~ BOARD may commence a proceeding for the  
16 discipline of a licensee when the ~~director~~ BOARD has reasonable grounds  
17 to believe that a licensee has committed an act enumerated in section  
18 12-41-115.

19 (2) In any proceeding held under this section, the ~~director~~ BOARD  
20 may accept as prima facie evidence of grounds for disciplinary action any  
21 disciplinary action taken against a licensee from another jurisdiction if the  
22 violation ~~which~~ THAT prompted the disciplinary action in that jurisdiction  
23 would be grounds for disciplinary action under this article.

24 (3) (a) The ~~director~~ BOARD may investigate potential grounds for  
25 disciplinary action upon ~~his~~ ITS own motion or when ~~such director~~ THE  
26 BOARD is informed of dismissal of ~~any~~ A person licensed ~~pursuant to~~  
27 UNDER this article if ~~such~~ THE dismissal was for a matter ~~which would~~

1 ~~constitute~~ CONSTITUTING a violation of this article.

2 (b) ~~Any~~ A person who supervises a physical therapist shall report  
3 to the ~~director~~ BOARD when ~~such~~ THE physical therapist has been  
4 dismissed because of incompetence in physical therapy or failure to  
5 comply with this article. ~~Any~~ A physical therapist who is aware that  
6 another physical therapist is violating ~~any of the provisions of~~ this article  
7 shall report such violation to the ~~director~~ BOARD.

8 (5) (a) The ~~director~~ BOARD or an administrative law judge ~~shall~~  
9 ~~have the power to~~ MAY administer oaths, take affirmations of witnesses,  
10 and issue subpoenas to compel the attendance of witnesses and the  
11 production of all relevant papers, books, records, documentary evidence,  
12 and materials in any hearing, investigation, accusation, or other matter  
13 coming before the ~~director~~ BOARD pursuant to this article. The ~~director~~  
14 BOARD may appoint an administrative law judge pursuant to part 10 of  
15 article 30 of title 24, C.R.S., to take evidence and to make findings and  
16 report them to the ~~director~~ BOARD.

17 (b) Upon failure of ~~any~~ A witness to comply with ~~such~~ A subpoena  
18 or process, the district court of the county in which the subpoenaed  
19 person or licensee resides or conducts business, upon application by the  
20 board ~~or director~~ with notice to the subpoenaed person or licensee, may  
21 issue to the person or licensee an order requiring that person or licensee  
22 to appear before the ~~director~~ BOARD; to produce the relevant papers,  
23 books, records, documentary evidence, or materials if so ordered; or to  
24 give evidence touching the matter under investigation or in question.  
25 Failure to obey the order of the court may be punished by the court as a  
26 contempt of court.

27 (6) The ~~director~~ BOARD may keep any investigation authorized



1 under this article closed until the results of such investigation are known  
2 and either the complaint is dismissed or notice of hearing and charges are  
3 served upon the licensee.

4 (7) (a) The ~~director~~ BOARD, the director's staff, ~~any person acting~~  
5 ~~as a witness or consultant to the director, any~~ BOARD, A witness testifying  
6 in a proceeding authorized under this article, and ~~any~~ A person who  
7 lodges a complaint ~~pursuant to~~ UNDER this article ~~shall be~~ IS immune from  
8 liability in ~~any~~ A civil action brought against him or her for acts occurring  
9 while acting in his or her capacity as ~~director~~ BOARD MEMBER, staff,  
10 consultant, ~~or~~ witness, OR COMPLAINANT, respectively, if such individual  
11 was acting in good faith within the scope of his or her respective capacity,  
12 made a reasonable effort to obtain the facts of the matter as to which he  
13 or she acted, and acted in the reasonable belief that the action taken by  
14 him or her was warranted by the facts.

15 (8) The ~~director~~ BOARD, through the department of regulatory  
16 agencies, may employ administrative law judges appointed pursuant to  
17 part 10 of article 30 of title 24, C.R.S., on a full-time or part-time basis,  
18 to conduct hearings ~~as provided by~~ UNDER this article or on any matter  
19 within the ~~director's~~ BOARD'S jurisdiction upon such conditions and terms  
20 as ~~such director~~ THE BOARD may determine.

21 (9) Final action of the ~~director~~ BOARD may be judicially reviewed  
22 by the court of appeals by appropriate proceedings under section  
23 24-4-106 (11), C.R.S., and judicial proceedings for the enforcement of an  
24 order of the ~~director~~ BOARD may be instituted in accordance with section  
25 24-4-106, C.R.S.

26 (10) When a complaint or an investigation discloses an instance  
27 of misconduct that, in the opinion of the ~~director~~ BOARD, warrants formal

1 action, the complaint shall not be resolved by a deferred settlement,  
2 action, judgment, or prosecution.

3 (11) (a) If it appears to the ~~director~~ BOARD, based upon credible  
4 evidence as presented in a written complaint by any person, that a  
5 licensee is acting in a manner that is an imminent threat to the health and  
6 safety of the public, or a person is acting or has acted without the required  
7 license, the ~~director~~ BOARD may issue an order to cease and desist such  
8 activity. The order ~~shall~~ MUST set forth the statutes and rules alleged to  
9 have been violated, the facts alleged to have constituted the violation, and  
10 the requirement that all unlawful acts or unlicensed practices immediately  
11 cease.

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

19 (b) THE BOARD SHALL PROMPTLY NOTIFY a person against whom  
20 an order to show cause has been issued ~~pursuant to~~ UNDER paragraph (a)  
21 of this subsection (12) ~~shall be promptly notified by the director~~ of the  
22 issuance of the order, along with a copy of the order, the factual and legal  
23 basis for the order, and the date set by the ~~director~~ BOARD for a hearing  
24 on the order. ~~Such notice~~ THE BOARD may ~~be served~~ SERVE THE NOTICE  
25 by personal service, by first-class United States mail, postage prepaid, or  
26 as may be practicable upon any person against whom such order is issued.  
27 Personal service or mailing of an order or document pursuant to this

1 subsection (12) ~~shall constitute~~ CONSTITUTES notice thereof to the person.

2 (c) (I) The BOARD SHALL COMMENCE A hearing on an order to  
3 show cause ~~shall be commenced~~ no sooner than ten and no later than  
4 forty-five calendar days after the date of transmission or service of the  
5 notification by the ~~director~~ BOARD as provided in paragraph (b) of this  
6 subsection (12). The hearing may be continued by agreement of all  
7 parties based upon the complexity of the matter, number of parties to the  
8 matter, and legal issues presented in the matter, but in no event ~~shall~~ IS  
9 the hearing TO commence later than sixty calendar days after the date of  
10 transmission or service of the notification.

11 (II) If a person against whom an order to show cause has been  
12 issued pursuant to paragraph (a) of this subsection (12) does not appear  
13 at the hearing, the ~~director~~ BOARD may present evidence that notification  
14 was properly sent or served upon such person pursuant to paragraph (b)  
15 of this subsection (12) and such other evidence related to the matter as the  
16 ~~director~~ BOARD deems appropriate. The ~~director~~ BOARD shall issue the  
17 order within ten days after the ~~director's~~ BOARD'S determination related to  
18 reasonable attempts to notify the respondent, and the order ~~shall become~~  
19 BECOMES final as to that person by operation of law. ~~Such~~ THE BOARD  
20 SHALL CONDUCT THE hearing ~~shall be conducted pursuant to~~ IN  
21 ACCORDANCE WITH sections 24-4-104 and 24-4-105, C.R.S.

22 (III) If the ~~director~~ BOARD reasonably finds that the person against  
23 whom the order to show cause was issued is acting or has acted without  
24 the required license, or has or is about to engage in acts or practices  
25 constituting violations of this article, a final cease-and-desist order may  
26 be issued, directing such person to cease and desist from further unlawful  
27 acts or unlicensed practices.

1 (IV) The ~~director~~ BOARD shall provide notice, in the manner set  
2 forth in paragraph (b) of this subsection (12), of the final cease-and-desist  
3 order within ten calendar days after the hearing conducted pursuant to this  
4 paragraph (c) to each person against whom the final order has been  
5 issued. The final order issued pursuant to subparagraph (III) of this  
6 paragraph (c) ~~shall be~~ IS effective when issued and ~~shall be~~ IS a final order  
7 for purposes of judicial review.

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

15 (14) If ~~any~~ A person fails to comply with a final cease-and-desist  
16 order or a stipulation, the ~~director~~ BOARD may request the attorney general  
17 or the district attorney for the judicial district in which the alleged  
18 violation exists to bring ~~and if so requested such attorney shall bring~~, suit  
19 for a temporary restraining order and for injunctive relief to prevent any  
20 further or continued violation of the final order. UPON RECEIVING THE  
21 REQUEST, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY SHALL BRING  
22 THE SUIT AS REQUESTED.

23 **SECTION 21.** 12-41-118, Colorado Revised Statutes, is amended  
24 to read:

25 **12-41-118. Mental and physical examination of licensees.**

26 (1) If the ~~director~~ BOARD has reasonable cause to believe that a licensee  
27 is unable to practice with reasonable skill and safety, the ~~director~~ BOARD

1 may require ~~such person~~ THE LICENSEE to take a mental or physical  
2 examination by a ~~physician~~ HEALTH CARE PROVIDER designated by ~~said~~  
3 ~~director~~ THE BOARD. If ~~such~~ THE licensee refuses to undergo such a  
4 mental or physical examination, unless due to circumstances beyond the  
5 licensee's control, the ~~director~~ BOARD may suspend such licensee's license  
6 until the results of ~~any such~~ THE examination are known and the ~~director~~  
7 BOARD has made a determination of the licensee's fitness to practice. The  
8 ~~director~~ BOARD shall proceed with ~~any such~~ AN order for examination and  
9 ~~such~~ determination in a timely manner.

10 (2) An order ISSUED to a licensee ~~pursuant to~~ UNDER subsection  
11 (1) of this section to undergo a mental or physical examination ~~shall~~ MUST  
12 contain the basis of the ~~director's~~ BOARD'S reasonable cause to believe that  
13 the licensee is unable to practice with reasonable skill and safety. For the  
14 purposes of ~~any~~ A disciplinary proceeding authorized ~~under~~ BY this  
15 article, the licensee ~~shall be~~ IS deemed to have waived all objections to  
16 the admissibility of the examining ~~physician's~~ HEALTH CARE PROVIDER'S  
17 testimony or examination reports on the ground that they are privileged  
18 communications.

19 (3) The licensee may submit to the ~~director~~ BOARD testimony or  
20 examination reports from a ~~physician~~ HEALTH CARE PROVIDER chosen by  
21 such licensee ~~and~~ pertaining to ~~any~~ THE condition ~~which~~ THAT the  
22 ~~director~~ BOARD has alleged may preclude the licensee from practicing  
23 with reasonable skill and safety. These may be considered by the ~~director~~  
24 BOARD in conjunction with, but not in lieu of, testimony and examination  
25 reports of the ~~physician~~ HEALTH CARE PROVIDER designated by the  
26 ~~director~~ BOARD.

27 (4) A PERSON SHALL NOT USE the results of any mental or physical

1 examination ordered by the ~~director shall not be used~~ BOARD as evidence  
2 in any proceeding other than one before the ~~director and shall not be~~  
3 ~~deemed~~ BOARD. THE EXAMINATION RESULTS ARE NOT public records ~~nor~~  
4 ~~made~~ AND ARE NOT available to the public.

5 **SECTION 22.** Article 41 of title 12, Colorado Revised Statutes,  
6 is amended BY THE ADDITION OF A NEW SECTION to read:

7 **12-41-118.5. Examinations - notice - confidential agreements.**

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

18 (2) (a) UPON DETERMINING THAT A PHYSICAL THERAPIST WITH A  
19 PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED  
20 PHYSICAL THERAPY WITH REASONABLE SKILL AND PATIENT SAFETY, THE  
21 BOARD MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE PHYSICAL  
22 THERAPIST IN WHICH THE PHYSICAL THERAPIST AGREES TO LIMIT HIS OR  
23 HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR  
24 CONDITION, AS DETERMINED BY THE BOARD.

25 (b) THE AGREEMENT MUST SPECIFY THAT THE LICENSEE IS SUBJECT  
26 TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED  
27 APPROPRIATE BY THE BOARD.

1 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS  
2 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF  
3 MONITORING.

4 (d) BY ENTERING INTO AN AGREEMENT WITH THE BOARD UNDER  
5 THIS SUBSECTION (2) TO LIMIT HIS OR HER PRACTICE, THE LICENSEE IS NOT  
6 ENGAGING IN UNPROFESSIONAL CONDUCT. THE AGREEMENT IS AN  
7 ADMINISTRATIVE ACTION AND DOES NOT CONSTITUTE A RESTRICTION OR  
8 DISCIPLINE BY THE BOARD. HOWEVER, IF THE LICENSEE FAILS TO COMPLY  
9 WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS  
10 SUBSECTION (2), THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY  
11 ACTION UNDER SECTION 12-41-115 (1) (m) AND THE LICENSEE IS SUBJECT  
12 TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-41-116.

13 (3) THIS SECTION DOES NOT APPLY TO A LICENSEE SUBJECT TO  
14 DISCIPLINE UNDER SECTION 12-41-115 (1) (l).

15 **SECTION 23.** 12-41-119 (1) (a), (2), and (3), Colorado Revised  
16 Statutes, are amended to read:

17 **12-41-119. Professional review committees - immunity.** (1) A  
18 professional review committee may be established pursuant to this section  
19 to investigate the quality of care being given by a person licensed under  
20 this article. It shall include in its membership at least three persons  
21 licensed under this article, but such committee may be authorized to act  
22 only by:

23 (a) The ~~director~~ BOARD;

24 (2) Any professional review committee established pursuant to  
25 subsection (1) of this section shall report to the ~~director~~ BOARD any  
26 adverse findings that would constitute a possible violation of this article.

27 (3) The ~~director, any~~ BOARD, A member of a professional review

1 committee authorized by the ~~director, any~~ BOARD, A member of the  
2 ~~director's~~ BOARD'S or committee's staff, ~~any~~ A person acting as a witness  
3 or consultant to the ~~director~~ BOARD or committee, ~~any~~ A witness testifying  
4 in a proceeding authorized under this article, and ~~any~~ A person who  
5 lodges a complaint pursuant to this article ~~shall be~~ IS immune from  
6 liability in any civil action brought against him or her for acts occurring  
7 while acting in his or her capacity as ~~director~~ BOARD or committee  
8 member, staff, consultant, or witness ~~respectively, if such~~ THE individual  
9 was acting in good faith within the scope of his or her respective capacity,  
10 made a reasonable effort to obtain the facts of the matter as to which he  
11 or she acted, and acted in the reasonable belief that the action taken by  
12 him or her was warranted by the facts. Any person participating in good  
13 faith in lodging a complaint or participating in any investigative or  
14 administrative proceeding pursuant to this article ~~shall be~~ IS immune from  
15 any civil or criminal liability that may result from such participation.

16 **SECTION 24.** 12-41-120, Colorado Revised Statutes, is amended  
17 to read:

18 **12-41-120. Reports by insurance companies.** (1) (a) Each  
19 insurance company licensed to do business in this state and engaged in  
20 the writing of malpractice insurance for physical therapists shall send to  
21 the ~~director~~ BOARD information ~~relating to~~ ABOUT any malpractice claim  
22 ~~which~~ THAT involves a physical therapist and ~~which~~ is settled or in which  
23 judgment is rendered against the insured.

24 (b) In addition, the insurance company shall submit supplementary  
25 reports ~~regarding~~ CONTAINING the disposition of ~~any such~~ THE claim as  
26 it is disposed. ~~This information shall be submitted to the director~~ BOARD  
27 within ninety days ~~of any~~ AFTER settlement or judgment.



1 (2) Regardless of the disposition of any claim, ~~said~~ THE insurance  
2 company shall provide such information as the ~~director~~ BOARD finds  
3 reasonably necessary to conduct ~~said director's~~ ITS own investigation and  
4 hearing.

5 **SECTION 25.** 12-41-122 (1), Colorado Revised Statutes, is  
6 amended to read:

7 **12-41-122. Violation - fines.** (1) Notwithstanding ~~the provisions~~  
8 ~~of section 12-41-121, the director shall have authority to~~ BOARD MAY  
9 assess a fine for ~~any~~ A violation of ~~the provisions~~ of this article or any  
10 rule ~~or regulation~~ adopted by ~~the director~~ under this article.

11 **SECTION 26.** 12-41-123, Colorado Revised Statutes, is amended  
12 to read:

13 **12-41-123. Injunctive proceedings.** The ~~director~~ BOARD may, in  
14 the name of the people of ~~the state of~~ Colorado, through the attorney  
15 general of ~~the state of~~ Colorado, apply for an injunction ~~in any~~ TO A court  
16 ~~of competent jurisdiction~~ to enjoin ~~any~~ A person from committing ~~any~~ AN  
17 act declared to be a misdemeanor by this article. If it is established that  
18 the defendant has been or is committing an act declared to be a  
19 misdemeanor by this article, the court shall enter a decree perpetually  
20 enjoining ~~said~~ THE defendant from further committing ~~such~~ THE act. ~~In~~  
21 ~~case of violation of any~~ IF A PERSON VIOLATES AN injunction issued under  
22 ~~the provisions of~~ this section, the court may try and punish the offender  
23 for contempt of court. ~~Such~~ AN injunction ~~proceedings shall be~~  
24 PROCEEDING IS in addition to, and not in lieu of, all penalties and other  
25 remedies provided in this article.

26 **SECTION 27.** The introductory portion to 12-41-124 (1),  
27 12-41-124 (1) (b), (1) (d), (1) (g), (2), and (3), and the introductory

1 portion to 12-41-124 (5) (b), Colorado Revised Statutes, are amended to  
2 read:

3 **12-41-124. Professional service corporations, limited liability**  
4 **companies, and registered limited liability partnerships for the**  
5 **practice of physical therapy - definitions.** (1) ~~Persons licensed to~~  
6 ~~practice Physical therapy by the director~~ THERAPISTS may form  
7 professional service corporations for the practice of physical therapy  
8 under the "Colorado Business Corporation Act", articles 101 to 117 of  
9 title 7, C.R.S., if such corporations are organized and operated in  
10 accordance with ~~the provisions of~~ this section. The articles of  
11 incorporation of such corporations ~~shall~~ MUST contain provisions  
12 complying with the following requirements:

13 (b) The corporation ~~shall~~ MUST be organized solely for the  
14 purposes of conducting the practice of physical therapy only through  
15 persons licensed by the ~~director~~ BOARD to practice physical therapy. ~~in the~~  
16 ~~state of Colorado.~~

17 (d) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
18 PARAGRAPH (d), all shareholders of the corporation ~~shall~~ MUST be persons  
19 licensed by the ~~director~~ BOARD to practice physical therapy ~~in the state of~~  
20 ~~Colorado~~ and who at all times own their shares in their own right. ~~They~~  
21 ~~shall be individuals who, except for~~ WITH THE EXCEPTION OF illness,  
22 accident, or time spent in the armed services, on vacations, or on leaves  
23 of absence not to exceed one year, ~~are~~ THE INDIVIDUALS MUST BE actively  
24 engaged in the practice of physical therapy in the offices of the  
25 corporation.

26 (II) IF A PERSON LICENSED TO PRACTICE PHYSICAL THERAPY WHO  
27 WAS A SHAREHOLDER OF THE CORPORATION DIES, AN UNLICENSED HEIR TO

1 THE DECEASED SHAREHOLDER MAY BECOME A SHAREHOLDER OF THE  
2 CORPORATION FOR UP TO TWO YEARS. UNLESS THE HEIR IS THE ONLY  
3 SHAREHOLDER OF THE CORPORATION, THE HEIR WHO BECOMES A  
4 SHAREHOLDER IS A NONVOTING SHAREHOLDER. IF THE HEIR OF THE  
5 DECEASED SHAREHOLDER CEASES TO BE A SHAREHOLDER, THE OWNER  
6 SHALL DISPOSE OF THE SHARES IN ACCORDANCE WITH THE PROVISIONS  
7 REQUIRED BY PARAGRAPH (e) OF THIS SUBSECTION (1).

8 (g) The articles of incorporation ~~shall~~ MUST provide, and all  
9 shareholders of the corporation shall agree, that all shareholders of the  
10 corporation ~~shall be~~ ARE jointly and severally liable for all acts, errors,  
11 and omissions of the employees of the corporation or that all shareholders  
12 of the corporation ~~shall be~~ ARE jointly and severally liable for all acts,  
13 errors, and omissions of the employees of the corporation except ~~during~~  
14 ~~periods of time~~ when the corporation ~~shall maintain in good standing~~  
15 MAINTAINS professional liability insurance ~~which shall meet~~ THAT MEETS  
16 the following minimum standards:

17 (I) The ~~insurance~~ INSURER shall insure the corporation against  
18 liability imposed upon the corporation by law for damages resulting from  
19 any claim made against the corporation arising out of the performance of  
20 professional services for others by those officers and employees of the  
21 corporation who are licensed by the ~~director~~ BOARD to practice physical  
22 therapy.

23 (II) ~~Such~~ THE policies ~~shall~~ MUST insure the corporation against  
24 liability imposed upon it by law for damages arising out of the acts,  
25 errors, and omissions of all nonprofessional employees.

26 (III) The insurance policy ~~shall~~ MUST provide for an amount for  
27 each claim of at least one hundred thousand dollars multiplied by the

1 number of persons licensed to practice physical therapy employed by the  
2 corporation. The policy ~~shall~~ MUST provide for an aggregate top limit of  
3 liability per year for all claims of three hundred thousand dollars also  
4 multiplied by the number of persons licensed to practice physical therapy  
5 employed by the corporation, but no firm ~~shall be~~ IS required to carry  
6 insurance in excess of three hundred thousand dollars for each claim with  
7 an aggregate top limit of liability for all claims during the year of nine  
8 hundred thousand dollars.

9 (IV) The policy may provide that it does not apply to:

10 (A) ~~any~~ A dishonest, fraudulent, criminal, or malicious act or  
11 omission of the insured corporation or any stockholder or employee  
12 thereof;

13 (B) The conduct of any business enterprise, ~~as distinguished from~~  
14 NOT INCLUDING the practice of physical therapy, in which the insured  
15 corporation under this section is not permitted to engage but ~~which~~ THAT  
16 nevertheless may be owned by the insured corporation, ~~or~~ in which the  
17 insured corporation may be a partner, or ~~which~~ THAT may be controlled,  
18 operated, or managed by the insured corporation in its own or in a  
19 fiduciary capacity, including the ownership, maintenance, or use of any  
20 property in connection therewith, when not resulting from breach of  
21 professional duty, bodily injury to, or sickness, disease, or death of any  
22 person, or to injury to or destruction of any tangible property, including  
23 the loss of use thereof; and

24 (V) The policy may contain reasonable provisions with respect to  
25 policy periods, territory, claims, conditions, and other usual matters.

26 (2) The corporation shall do nothing ~~which~~ THAT, if done by a  
27 person licensed to practice physical therapy ~~in the state of Colorado~~ and

1 employed by ~~it~~ THE CORPORATION, would constitute any ground for  
2 disciplinary action, as set forth in section 12-41-115. Any violation by  
3 the corporation of this section ~~shall be~~ IS grounds for the ~~director~~ BOARD  
4 to terminate or suspend its right to practice physical therapy.

5 (3) Nothing in this section ~~shall be deemed to diminish or change~~  
6 DIMINISHES OR CHANGES the obligation of each person licensed to practice  
7 physical therapy employed by the corporation to ~~conduct his~~ practice in  
8 accordance with the standards of professional conduct ~~provided for in~~  
9 UNDER this article and ~~any rules and regulations~~ adopted under this  
10 article. ~~Any person licensed by the director to practice Physical therapy~~  
11 THERAPISTS who by act or omission causes the corporation to act or fail  
12 to act in a way ~~which~~ THAT violates ~~such~~ THE standards of professional  
13 conduct, including any provision of this section, ~~shall be deemed~~ IS  
14 personally responsible for ~~such act or omission~~ THE VIOLATION and ~~shall~~  
15 ~~be~~ subject to discipline ~~therefor~~ FOR THE VIOLATION.

16 (5) (b) ~~Employment of~~ THE CORPORATE PRACTICE OF PHYSICAL  
17 THERAPY DOES NOT INCLUDE physical therapists EMPLOYED by a certified  
18 or licensed hospital, licensed skilled nursing facility, certified home  
19 health agency, licensed hospice, certified comprehensive outpatient  
20 rehabilitation facility, certified rehabilitation agency, authorized health  
21 maintenance organization, accredited educational entity, ORGANIZATION  
22 PROVIDING CARE FOR THE ELDERLY UNDER SECTION 25.5-5-412, C.R.S.,  
23 or other entity wholly owned and operated by ~~any~~ A governmental unit or  
24 agency ~~shall not be considered the corporate practice of physical therapy~~  
25 if:

26 **SECTION 28. Repeal of provision being relocated in this**  
27 **act.** 12-41-125, Colorado Revised Statutes, is repealed.

1           **SECTION 29. Repeal.** 12-41-126, Colorado Revised Statutes,  
2 is repealed as follows:

3           **12-41-126. Advisory committee.** ~~The director shall appoint at~~  
4 ~~least one advisory committee of at least seven members to assist in the~~  
5 ~~performance of the director's duties under this article. Five of these~~  
6 ~~members shall be physical therapists and two shall not be physical~~  
7 ~~therapists but shall be persons having specific knowledge in the health~~  
8 ~~care field. Such committee shall meet at least twice a year and at~~  
9 ~~additional times at the discretion of the director. Members of such~~  
10 ~~advisory committee shall receive compensation for their services pursuant~~  
11 ~~to section 24-34-102 (13), C.R.S., and shall be reimbursed for actual and~~  
12 ~~necessary expenses that they may incur in the performance of their duties.~~  
13 ~~Such reimbursement shall be cash funded and shall not exceed the~~  
14 ~~amount anticipated to be raised from fees collected pursuant to this~~  
15 ~~article.~~

16           **SECTION 30.** 12-41-127, Colorado Revised Statutes, is amended  
17 to read:

18           **12-41-127. Limitation on authority.** ~~The authority granted the~~  
19 ~~director under the provisions of BOARD BY this article shall not be~~  
20 ~~construed to DOES NOT authorize the director BOARD to arbitrate or~~  
21 ~~adjudicate fee disputes between licensees or between a licensee and any~~  
22 ~~other party.~~

23           **SECTION 31.** 12-64-105 (13), Colorado Revised Statutes, is  
24 amended to read:

25           **12-64-105. Board of veterinary medicine.** (13) ~~The board shall~~  
26 ~~pursuant to section 12-41-125 (2) (b) (H), consult with the director of the~~  
27 ~~division of registrations in the department of regulatory agencies STATE~~

1 PHYSICAL THERAPY BOARD CREATED IN SECTION 12-41-103.3 concerning  
2 rules that the director intends to adopt with regard to physical therapy of  
3 animals.

4 **SECTION 32.** Article 41 of title 12, Colorado Revised Statutes,  
5 is amended BY THE ADDITION OF A NEW PART to read:

6 PART 2

7 PHYSICAL THERAPIST ASSISTANTS

8 **12-41-201. Physical therapy board - rules.** (1) IN ADDITION TO  
9 ALL OTHER POWERS AND DUTIES GIVEN TO THE BOARD BY LAW, THE  
10 BOARD HAS THE AUTHORITY TO CERTIFY PHYSICAL THERAPIST ASSISTANTS  
11 TO PRACTICE.

12 (2) THE BOARD SHALL IMPLEMENT THIS PART 2 AND PROMULGATE  
13 RULES NECESSARY TO IMPLEMENT THIS PART 2.

14 **12-41-202. Certification required - qualifications.** (1) EXCEPT  
15 AS PROVIDED IN SECTION 12-41-203, A PERSON SHALL NOT HOLD HIMSELF  
16 OR HERSELF OUT TO BE A PHYSICAL THERAPIST ASSISTANT OR USE THE  
17 TITLE "PHYSICAL THERAPIST ASSISTANT" OR ANY OTHER WORDS, LETTERS,  
18 OR DESIGNATION TENDING TO INDICATE A PERSON IS A PHYSICAL  
19 THERAPIST ASSISTANT UNLESS THE PERSON HOLDS AN ACTIVE  
20 CERTIFICATION UNDER THIS PART 2.

21 (2) TO QUALIFY TO BE A PHYSICAL THERAPIST ASSISTANT, THE  
22 PERSON MUST HAVE:

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

26 (II) COMPLETED A PHYSICAL THERAPIST ASSISTANT PROGRAM  
27 ACCREDITED BY THE COMMISSION ON ACCREDITATION IN PHYSICAL

1 THERAPY EDUCATION OR ANY COMPARABLE ORGANIZATION AS  
2 DETERMINED BY THE BOARD;

3 (b) QUALIFIED TO TAKE THE PHYSICAL THERAPY EXAMINATION  
4 ESTABLISHED UNDER SECTION 12-41-107; OR

5 (c) QUALIFIED FOR CERTIFICATION BY ENDORSEMENT UNDER  
6 SECTION 12-41-206.

7 **12-41-203. Scope.** (1) A CERTIFIED NURSE AIDE NEED NOT BE  
8 CERTIFIED UNDER THIS PART 2 TO ASSIST A PHYSICAL THERAPIST IN THE  
9 CLINICAL PRACTICE OF PHYSICAL THERAPY.

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

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

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

13 (c) A PERSON LICENSED, CERTIFIED, OR REGISTERED BY THE STATE  
14 OF COLORADO WHO IS ACTING WITHIN THE SCOPE OF THE LICENSE,  
15 CERTIFICATE, OR REGISTRATION; OR

16 (d) ANY PERSON PERFORMING SERVICES PURSUANT TO SECTION  
17 12-38-132 OR 27-10.5-103 (2) (k), C.R.S., OR PART 3 OF ARTICLE 1.5 OF  
18 TITLE 25, C.R.S.

19 **12-41-204. Application for certification - fee.** (1) AN  
20 APPLICANT FOR CERTIFICATION SHALL SUBMIT THE APPLICATION ON FORMS  
21 PROVIDED BY THE BOARD.

22 (2) AN APPLICANT SHALL PAY AN APPLICATION FEE ESTABLISHED  
23 BY THE BOARD AND ADJUSTED IN ACCORDANCE WITH SECTION 24-34-105,  
24 C.R.S.

25 **12-41-205. Practice.** A PHYSICAL THERAPIST ASSISTANT SHALL  
26 NOT ASSIST A PHYSICAL THERAPIST IN THE CLINICAL PRACTICE OF  
27 PHYSICAL THERAPY UNLESS THE ASSISTANT WORKS UNDER THE



1 SUPERVISION OF A LICENSED PHYSICAL THERAPIST.

2 **12-41-206. Application for certification by endorsement.**

3 (1) AN APPLICANT FOR CERTIFICATION BY ENDORSEMENT SHALL PAY THE  
4 REQUIRED APPLICATION FEE, SUBMIT THE INFORMATION REQUIRED BY THE  
5 BOARD IN THE MANNER AND FORM SPECIFIED BY THE BOARD, AND SUBMIT  
6 WRITTEN EVIDENCE THAT THE APPLICANT:

7 (a) IS CURRENTLY CERTIFIED TO PRACTICE AS A PHYSICAL  
8 THERAPIST ASSISTANT BY ANOTHER STATE OR TERRITORY OF THE UNITED  
9 STATES WITH REQUIREMENTS THAT ARE SUBSTANTIALLY SIMILAR TO THE  
10 REQUIREMENTS FOR CERTIFICATION IN THIS PART 2;

11 (b) HAS NOT COMMITTED ANY ACT OR OMISSION THAT WOULD BE  
12 GROUNDS FOR DISCIPLINE OR DENIAL OF CERTIFICATION UNDER THIS PART  
13 2;

14 (c) HAS SUCCESSFULLY COMPLETED AN EDUCATION PROGRAM  
15 APPROVED BY THE BOARD OR A PHYSICAL THERAPIST ASSISTANT TRAINING  
16 PROGRAM THAT MEETS THE STANDARDS SET BY THE BOARD; AND

17 (d) HAS NO RECORD OF ABUSE, NEGLIGENCE, OR  
18 MISAPPROPRIATION OF A CLIENT'S PROPERTY OR ANY DISCIPLINARY ACTION  
19 TAKEN OR PENDING IN ANY OTHER STATE OR TERRITORY AGAINST THE  
20 APPLICANT.

21 **12-41-207. Renewal of certification.** A PHYSICAL THERAPIST  
22 ASSISTANT SHALL RENEW A CERTIFICATE IN ACCORDANCE WITH A  
23 SCHEDULE ESTABLISHED BY THE DIRECTOR IN ACCORDANCE WITH SECTION  
24 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND  
25 DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION  
26 24-34-105, C.R.S. A CERTIFICATE EXPIRES IF A PERSON FAILS TO RENEW  
27 A CERTIFICATION AS REQUIRED BY THE SCHEDULE ESTABLISHED BY THE

1 DIRECTOR. ANY PERSON WHOSE CERTIFICATE HAS EXPIRED IS SUBJECT TO  
2 THE PENALTIES PROVIDED IN THIS PART 2 OR SECTION 24-34-102 (8),  
3 C.R.S.

4 **12-41-208. Grounds for discipline.** (1) THE BOARD MAY  
5 SUSPEND, REVOKE, OR DENY ANY PERSON'S CERTIFICATION TO PRACTICE  
6 AS A PHYSICAL THERAPIST ASSISTANT, OR MAY ISSUE TO THE PERSON A  
7 LETTER OF ADMONITION, UPON PROOF THAT THE PERSON:

8 (a) HAS PROCURED OR ATTEMPTED TO PROCURE A CERTIFICATE BY  
9 FRAUD, DECEIT, MISREPRESENTATION, MISLEADING OMISSION, OR  
10 MATERIAL MISSTATEMENT OF FACT;

11 (b) HAS BEEN CONVICTED OF, PLED GUILTY, OR PLED NOLO  
12 CONTENDERE TO ANY CRIME RELATED TO THE CERTIFICATE HOLDER'S  
13 PRACTICE OF ASSISTING PHYSICAL THERAPY OR A FELONY OR HAS  
14 COMMITTED AN ACT SPECIFIED IN SECTION 12-41-121. A CERTIFIED COPY  
15 OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF SUCH  
16 CONVICTION OR PLEA IS CONCLUSIVE EVIDENCE OF SUCH CONVICTION OR  
17 PLEA. IN CONSIDERING THE DISCIPLINARY ACTION, THE BOARD IS  
18 GOVERNED BY SECTION 24-5-101, C.R.S.

19 (c) HAS HAD A CERTIFICATION TO PRACTICE AS A PHYSICAL  
20 THERAPIST ASSISTANT OR TO PRACTICE ANY OTHER HEALTH CARE  
21 OCCUPATION SUSPENDED OR REVOKED IN ANY JURISDICTION. A CERTIFIED  
22 COPY OF THE ORDER OF SUSPENSION OR REVOCATION IS PRIMA FACIE  
23 EVIDENCE OF THE SUSPENSION OR REVOCATION.

24 (d) HAS VIOLATED THIS PART 2 OR HAS AIDED OR KNOWINGLY  
25 PERMITTED ANY PERSON TO VIOLATE ANY PROVISION OF THIS PART 2;

26 (e) HAS NEGLIGENTLY OR WILLFULLY VIOLATED ANY ORDER OR  
27 RULE OF THE BOARD CONCERNING THE PRACTICE OR CERTIFICATION AS A

1 CERTIFIED PHYSICAL THERAPIST ASSISTANT;

2 (f) HAS VERBALLY OR PHYSICALLY ABUSED A PERSON UNDER THE  
3 CARE OF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT;

4 (g) HAS HABITUAL INTEMPERANCE OR EXCESSIVELY USES ANY  
5 HABIT-FORMING DRUG OR CONTROLLED SUBSTANCE AS DEFINED IN  
6 SECTION 18-18-102 (5), C.R.S., OR OTHER DRUGS HAVING SIMILAR  
7 EFFECTS, OR IS DIVERTING CONTROLLED SUBSTANCES, AS DEFINED IN  
8 SECTION 18-18-102 (5), C.R.S., OR OTHER DRUGS HAVING SIMILAR  
9 EFFECTS, FROM THE PERSON'S PLACE OF EMPLOYMENT;

10 (h) HAS VIOLATED THE CONFIDENTIALITY OF INFORMATION OR  
11 KNOWLEDGE AS PRESCRIBED BY LAW CONCERNING ANY PATIENT;

12 (i) HAS NEGLECTED A PERSON UNDER THE CARE OF THE CERTIFIED  
13 PHYSICAL THERAPIST ASSISTANT;

14 (j) HAS WILLFULLY OR NEGLIGENTLY ACTED IN A MANNER  
15 INCONSISTENT WITH THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR  
16 HER CARE;

17 (k) HAS FAILED TO RESPOND IN A MATERIALLY FACTUAL AND  
18 TIMELY MANNER TO A COMPLAINT AS GROUNDS FOR DISCIPLINE PURSUANT  
19 TO SECTION 12-41-211;

20 (l) FAILS TO KNOW THE CONTENTS OF THIS PART 2 AND ANY RULES  
21 PROMULGATED UNDER THIS PART 2.

22 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1) OF THIS  
23 SECTION, THE BOARD NEED NOT FIND THAT THE ACTIONS THAT FORM THE  
24 BASIS FOR THE DISCIPLINARY ACTION WERE WILLFUL. HOWEVER, THE  
25 BOARD, IN ITS DISCRETION, MAY CONSIDER WHETHER THE ACTION WAS  
26 WILLFUL IN DETERMINING THE SANCTIONS IT IMPOSES ON THE CERTIFIED  
27 PHYSICAL THERAPIST ASSISTANT.

1 (3) AN EMPLOYER OF A CERTIFIED PHYSICAL THERAPIST ASSISTANT  
2 SHALL REPORT CONDUCT THAT CONSTITUTES GROUNDS FOR DISCIPLINE  
3 UNDER THIS SECTION TO THE BOARD.

4 **12-41-209. Withholding or denial of certification.** (1) IF THE  
5 BOARD DETERMINES THAT AN APPLICANT FOR AN INITIAL CERTIFICATE TO  
6 PRACTICE AS A CERTIFIED PHYSICAL THERAPIST ASSISTANT DOES NOT  
7 POSSESS THE QUALIFICATIONS REQUIRED BY THIS PART 2 OR A RULE  
8 PROMULGATED UNDER THIS PART 2 OR THAT AN APPLICANT HAS  
9 COMMITTED AN ACT THAT IS GROUNDS FOR DISCIPLINE UNDER SECTION  
10 12-41-208, IT MAY DENY THE APPLICANT A CERTIFICATE. TO DENY A  
11 CERTIFICATE, THE BOARD SHALL:

12 (a) COMPLY WITH SECTION 24-4-104, C.R.S.; AND

13 (b) PROVIDE THE APPLICANT WITH A WRITTEN STATEMENT THAT  
14 SETS FORTH THE BASIS FOR THE BOARD'S DETERMINATION.

15 (2) IF THE APPLICANT REQUESTS A HEARING UNDER SECTION  
16 24-4-104 (9), C.R.S., THE FOLLOWING SHALL APPLY:

17 (a) AN APPLICANT WHOSE CERTIFICATION HAS BEEN DENIED ON  
18 THE BASIS OF A LACK OF QUALIFICATIONS HAS THE BURDEN OF PROVING  
19 THAT THE APPLICANT POSSESSES THE QUALIFICATIONS REQUIRED UNDER  
20 THIS PART 2;

21 (b) FOR AN APPLICANT WHOSE CERTIFICATION HAS BEEN DENIED  
22 ON THE BASIS OF REASONABLE CAUSE TO BELIEVE THAT GROUNDS FOR  
23 DISCIPLINE EXIST, THE BOARD HAS THE BURDEN OF PROVING THE  
24 COMMISSION OF ACTS CONSTITUTING GROUNDS FOR DISCIPLINE UNDER  
25 THIS PART 2;

26 (c) IF A HEARING IS CONDUCTED, THE BOARD SHALL AFFIRM,  
27 MODIFY, OR REVERSE ITS PRIOR DETERMINATION AND ACTION IN

1 ACCORDANCE WITH THE FINDINGS MADE AS A RESULT OF THE HEARING.

2 (3) IF AN APPLICANT WHO HAS REQUESTED A HEARING PURSUANT  
3 TO SECTION 24-4-104 (9), C.R.S., FAILS TO APPEAR AT THE HEARING, THE  
4 BOARD MAY AFFIRM ITS PRIOR ACTION WITHOUT CONDUCTING A HEARING  
5 ON THE MATTER UNLESS THE BOARD DETERMINES THAT THERE WAS GOOD  
6 CAUSE FOR THE FAILURE TO APPEAR.

7 (4) IF THE BOARD WITHHOLDS CERTIFICATION WITHOUT A HEARING  
8 IN ACCORDANCE WITH THIS SECTION, THE BOARD IS IMMUNE FROM SUIT  
9 CONCERNING THE WITHHOLDING UNLESS IT HAS ACTED UNREASONABLY OR  
10 HAS FAILED TO ACT IN GOOD FAITH.

11 **12-41-210. Mental and physical competency of certified**  
12 **physical therapist assistants.** (1) IF ANY CERTIFIED PHYSICAL  
13 THERAPIST ASSISTANT IS DETERMINED TO BE MENTALLY ILL BY A COURT  
14 OF COMPETENT JURISDICTION, THE BOARD SHALL AUTOMATICALLY  
15 SUSPEND THE CERTIFICATION, AND THE SUSPENSION CONTINUES UNTIL THE  
16 CERTIFIED PHYSICAL THERAPIST ASSISTANT IS DETERMINED BY THE COURT  
17 TO BE:

18 (a) RESTORED TO COMPETENCY;

19 (b) DULY DISCHARGED AS RESTORED TO COMPETENCY; OR

20 (c) COMPETENT IN ANY OTHER MANNER PROVIDED BY LAW.

21 (2) (a) IF THE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT  
22 THE PHYSICAL OR MENTAL CONDITION OF A CERTIFIED PHYSICAL  
23 THERAPIST ASSISTANT HAS RESULTED IN THE CERTIFIED PHYSICAL  
24 THERAPIST ASSISTANT BEING UNABLE TO PRACTICE WITH REASONABLE  
25 SKILL OR THAT THE PRACTICE OF THE CERTIFIED PHYSICAL THERAPIST  
26 ASSISTANT IS A THREAT TO THE SAFETY OF THE CERTIFIED PHYSICAL  
27 THERAPIST ASSISTANT'S PATIENTS, THE BOARD MAY REQUIRE THE

1 CERTIFIED PHYSICAL THERAPIST ASSISTANT TO SUBMIT TO A MENTAL OR  
2 PHYSICAL EXAMINATION BY A PHYSICIAN OR OTHER LICENSED HEALTH  
3 CARE PROVIDER DESIGNATED BY THE BOARD.

4 (b) IF A CERTIFIED PHYSICAL THERAPIST ASSISTANT FAILS TO  
5 SUBMIT TO A MENTAL OR PHYSICAL EXAMINATION, THE BOARD MAY  
6 SUSPEND THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S CERTIFICATION  
7 UNTIL THE REQUIRED EXAMINATION IS CONDUCTED.

8 (3) A PERSON WHO APPLIES TO THE BOARD FOR CERTIFICATION AS  
9 A CERTIFIED PHYSICAL THERAPIST ASSISTANT HAS, BY VIRTUE OF THE  
10 APPLICATION, GIVEN CONSENT TO UNDERGO A PHYSICAL OR MENTAL  
11 EXAMINATION AT ANY TIME AT THE BOARD'S REQUEST. ANY REQUEST BY  
12 THE BOARD TO A CERTIFIED PHYSICAL THERAPIST ASSISTANT TO SUBMIT TO  
13 AN EXAMINATION MUST BE IN WRITING AND CONTAIN THE BASIS UPON  
14 WHICH THE BOARD DETERMINED THAT THERE IS REASONABLE CAUSE TO  
15 BELIEVE THE CONDITION SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (2)  
16 OF THIS SECTION EXISTS.

17 (4) A CERTIFIED PHYSICAL THERAPIST ASSISTANT WHO HAS BEEN  
18 REQUESTED TO SUBMIT TO A PHYSICAL OR MENTAL EXAMINATION MAY  
19 PROVIDE THE BOARD WITH INFORMATION CONCERNING THE CERTIFIED  
20 PHYSICAL THERAPIST ASSISTANT'S PHYSICAL OR MENTAL CONDITION FROM  
21 A PHYSICIAN OF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S OWN  
22 CHOICE. THE BOARD MAY CONSIDER THE INFORMATION IN CONJUNCTION  
23 WITH, BUT NOT IN LIEU OF, TESTIMONY AND INFORMATION PROVIDED BY  
24 THE PHYSICIAN DESIGNATED BY THE BOARD TO EXAMINE THE CERTIFIED  
25 PHYSICAL THERAPIST ASSISTANT.

26 (5) A PERSON SHALL NOT USE THE RESULTS OF A MENTAL OR  
27 PHYSICAL EXAMINATION REQUESTED BY THE BOARD UNDER THIS SECTION

1 AS EVIDENCE IN ANY PROCEEDING OTHER THAN A PROCEEDING  
2 CONDUCTED UNDER THIS PART 2. THE RESULT OF THE EXAMINATION IS  
3 NOT A PUBLIC RECORD.

4 **12-41-211. Disciplinary proceedings - hearing officers.**

5 (1) THE BOARD, THROUGH THE DEPARTMENT OF REGULATORY AGENCIES,  
6 MAY EMPLOY HEARING OFFICERS TO CONDUCT HEARINGS AS PROVIDED BY  
7 THIS PART 2 OR TO CONDUCT HEARINGS ON ANY MATTER WITHIN THE  
8 BOARD'S JURISDICTION.

9 (2) A PROCEEDING FOR DISCIPLINE OF A CERTIFIED PHYSICAL  
10 THERAPIST ASSISTANT MAY BE COMMENCED WHEN THE BOARD HAS  
11 REASONABLE GROUNDS TO BELIEVE THAT A PHYSICAL THERAPIST  
12 ASSISTANT CERTIFIED BY THE BOARD HAS COMMITTED ACTS THAT MAY  
13 VIOLATE THIS PART 2 OR A RULE PROMULGATED UNDER THIS PART 2.

14 (3) THE BOARD MAY REVOKE A CERTIFICATION OR DISCIPLINE A  
15 CERTIFICATE HOLDER UPON WRITTEN FINDINGS BY THE BOARD THAT THE  
16 HOLDER HAS COMMITTED AN ACT THAT VIOLATES THIS PART 2 OR A RULE  
17 PROMULGATED UNDER THIS PART 2.

18 (4) THE BOARD SHALL NOTIFY A CERTIFIED PHYSICAL THERAPIST  
19 ASSISTANT DISCIPLINED UNDER SUBSECTION (3) OF THIS SECTION BY A  
20 CERTIFIED LETTER MAILED TO THE MOST RECENT ADDRESS THE CERTIFIED  
21 PHYSICAL THERAPIST ASSISTANT PROVIDED TO THE BOARD, NO LATER  
22 THAN THIRTY DAYS FOLLOWING THE DATE OF THE BOARD'S ACTION, OF THE  
23 ACTION TAKEN, THE SPECIFIC CHARGES GIVING RISE TO THE ACTION, AND  
24 THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S RIGHT TO REQUEST A  
25 HEARING ON THE ACTION TAKEN.

26 (5) WITHIN THIRTY DAYS AFTER NOTIFICATION IS SENT BY THE  
27 BOARD, THE CERTIFIED PHYSICAL THERAPIST ASSISTANT MAY FILE A

1 WRITTEN REQUEST WITH THE BOARD FOR A HEARING ON THE ACTION  
2 TAKEN. UPON RECEIPT OF THE REQUEST, THE BOARD SHALL GRANT A  
3 HEARING TO THE CERTIFIED PHYSICAL THERAPIST ASSISTANT. IF THE  
4 CERTIFIED PHYSICAL THERAPIST ASSISTANT FAILS TO FILE A WRITTEN  
5 REQUEST FOR A HEARING WITHIN THIRTY DAYS, THE ACTION OF THE BOARD  
6 IS FINAL.

7 (6) THE BOARD MAY ISSUE A SUBPOENA COMPELLING THE  
8 ATTENDANCE OF WITNESSES AND THE PRODUCTION OF BOOKS, PATIENT  
9 RECORDS, PAPERS, AND OTHER PERTINENT DOCUMENTS AT THE HEARING.  
10 TO BE VALID, THE SUBPOENA MUST BE SERVED IN THE MANNER PROVIDED  
11 BY THE COLORADO RULES OF CIVIL PROCEDURE FOR SERVICE OF  
12 SUBPOENAS.

13 (7) DISCIPLINARY PROCEEDINGS MUST BE CONDUCTED IN THE  
14 MANNER PRESCRIBED BY ARTICLE 4 OF TITLE 24, C.R.S., BY THE BOARD  
15 OR, AT THE BOARD'S DISCRETION, BY A HEARING OFFICER.

16 (8) FAILURE OF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT TO  
17 APPEAR AT THE HEARING WITHOUT GOOD CAUSE IS DEEMED A  
18 WITHDRAWAL OF THE REQUEST FOR A HEARING, AND THE BOARD'S ACTION  
19 IS FINAL ON THAT DATE. FAILURE, WITHOUT GOOD CAUSE, OF THE BOARD  
20 TO APPEAR AT THE HEARING IS CAUSE TO DISMISS THE PROCEEDING.

21 (9) THE BOARD MAY NOT FOREGO THE REQUIREMENTS OF THIS  
22 SECTION IN AN EMERGENCY IN ACCORDANCE WITH SECTION 24-4-104,  
23 C.R.S.

24 (10) (a) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE MAY  
25 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE  
26 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE  
27 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY



1 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,  
2 ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE  
3 BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART  
4 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE  
5 FINDINGS AND REPORT THEM TO THE BOARD. THE PERSON PROVIDING  
6 DOCUMENTS SHALL PREPARE THEM FROM THE ORIGINAL RECORD AND  
7 SHALL DELETE FROM THE COPY PROVIDED UNDER THE SUBPOENA THE  
8 NAME OF THE PATIENT, BUT THE PERSON MAY IDENTIFY THE PATIENT BY  
9 A NUMBERED CODE TO BE RETAINED BY THE CUSTODIAN OF THE RECORDS  
10 FROM WHICH THE COPIES WERE MADE. RECORDS ARE DEEMED AUTHENTIC  
11 UPON CERTIFICATION OF THE CUSTODIAN THAT THE COPIES ARE TRUE AND  
12 COMPLETE EXCEPT FOR THE PATIENT'S NAME. THE BOARD MAY INSPECT  
13 THE ORIGINALS FOR THE LIMITED PURPOSE OF ASCERTAINING THE  
14 ACCURACY OF THE COPIES. THE COPIES ARE NOT CONFIDENTIAL, AND THE  
15 BOARD, CUSTODIAN, OR CUSTODIAN'S AUTHORIZED EMPLOYEE ARE NOT  
16 LIABLE FOR FURNISHING OR USING THE COPIES IN ACCORDANCE WITH THIS  
17 SUBSECTION (10).

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

1 TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED AS A CONTEMPT OF  
2 COURT.

3 (11) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
4 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE  
5 BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE  
6 DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE  
7 ERRANT CONDUCT BY THE CERTIFICATE HOLDER THAT COULD LEAD TO  
8 SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF  
9 CONCERN MAY BE ISSUED AND SENT TO THE CERTIFICATE HOLDER.

10 (12) A MEMBER OF THE BOARD, A MEMBER OF THE BOARD'S STAFF,  
11 A PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, A  
12 WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 2,  
13 AND A PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 2 IS  
14 IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR  
15 HER FOR ACTS OCCURRING WHILE ACTING IN THE CAPACITY OF A BOARD  
16 MEMBER, STAFF, CONSULTANT, OR WITNESS IF THE INDIVIDUAL WAS  
17 ACTING IN GOOD FAITH, WITHIN THE SCOPE OF HIS OR HER CAPACITY, MADE  
18 A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER, AND ACTED  
19 IN THE REASONABLE BELIEF THAT THE ACTION WAS WARRANTED BY THE  
20 FACTS. A PERSON PARTICIPATING IN GOOD FAITH IN THE MAKING OF A  
21 COMPLAINT OR REPORT OR PARTICIPATING IN AN INVESTIGATIVE OR  
22 ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 2 IS IMMUNE FROM  
23 ANY CRIMINAL OR CIVIL LIABILITY THAT OTHERWISE MIGHT RESULT BY  
24 REASON OF THE PARTICIPATION.

25 (13) AN EMPLOYER OF A CERTIFIED PHYSICAL THERAPIST  
26 ASSISTANT SHALL REPORT TO THE BOARD ANY DISCIPLINARY ACTION  
27 TAKEN AGAINST THE CERTIFIED PHYSICAL THERAPIST ASSISTANT OR ANY

1 RESIGNATION IN LIEU OF A DISCIPLINARY ACTION FOR CONDUCT  
2 CONSTITUTING A VIOLATION OF THIS PART 2.

3 (14) EXCEPT WHEN A DECISION TO PROCEED WITH A DISCIPLINARY  
4 ACTION HAS BEEN AGREED UPON BY A MAJORITY OF THE BOARD OR ITS  
5 DESIGNEE AND NOTICE OF FORMAL COMPLAINT IS DRAFTED AND SERVED  
6 ON THE CERTIFICATE HOLDER BY FIRST-CLASS MAIL, ANY INVESTIGATIONS,  
7 EXAMINATIONS, HEARINGS, MEETINGS, OR OTHER PROCEEDINGS OF THE  
8 BOARD CONCERNING DISCIPLINE CONDUCTED UNDER THIS SECTION ARE  
9 EXEMPT FROM THE OPEN RECORDS PROVISIONS OF ARTICLE 72 OF TITLE 24,  
10 C.R.S., REQUIRING THAT THE PROCEEDINGS OF THE BOARD BE CONDUCTED  
11 PUBLICLY OR THAT THE MINUTES OR RECORDS OF THE BOARD WITH  
12 RESPECT TO ACTION OF THE BOARD TAKEN UNDER THIS SECTION BE OPEN  
13 TO PUBLIC INSPECTION.

14 (15) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE  
15 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT  
16 A CERTIFICATE HOLDER IS ACTING IN A MANNER THAT IS AN IMMINENT  
17 THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS  
18 ACTING OR HAS ACTED WITHOUT THE REQUIRED CERTIFICATE, THE BOARD  
19 MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE ORDER  
20 SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN  
21 VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION,  
22 AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNCERTIFIED  
23 PRACTICES IMMEDIATELY CEASE.

24 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
25 DESIST UNDER PARAGRAPH (a) OF THIS SUBSECTION (15), THE RESPONDENT  
26 MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR  
27 PRACTICES IN VIOLATION OF THIS PART 2 HAVE OCCURRED. THE HEARING

1 SHALL BE CONDUCTED IN ACCORDANCE WITH SECTIONS 24-4-104 AND  
2 24-4-105, C.R.S.

3 (16) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE  
4 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT, THAT A PERSON HAS  
5 VIOLATED ANY OTHER PROVISION OF THIS PART 2, THEN THE BOARD MAY  
6 ISSUE AN ORDER TO THE PERSON TO SHOW CAUSE AS TO WHY THE BOARD  
7 SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE PERSON TO CEASE AND  
8 DESIST FROM THE UNLAWFUL ACT OR UNCERTIFIED PRACTICE.

9 (b) THE BOARD SHALL PROMPTLY NOTIFY A PERSON AGAINST  
10 WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED UNDER PARAGRAPH  
11 (a) OF THIS SUBSECTION (16) OF THE ISSUANCE OF THE ORDER, ALONG  
12 WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE  
13 ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER.  
14 THE BOARD MAY SERVE THE NOTICE BY PERSONAL SERVICE, BY  
15 FIRST-CLASS MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON  
16 ANY PERSON AGAINST WHOM THE ORDER IS ISSUED. PERSONAL SERVICE  
17 OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION  
18 (16) IS DEEMED NOTICE THEREOF TO THE PERSON.

19 (c) (I) THE BOARD SHALL COMMENCE THE HEARING ON AN ORDER  
20 TO SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE  
21 CALENDAR DAYS AFTER THE DATE OF SERVICE OF THE NOTIFICATION BY  
22 THE BOARD. THE PARTIES MAY AGREE TO HOLD THE HEARING LATER THAN  
23 FORTY-FIVE DAYS, BUT NO LATER THAN SIXTY DAYS, AFTER THE  
24 NOTIFICATION BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF  
25 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER.

26 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS  
27 BEEN ISSUED UNDER PARAGRAPH (a) OF THIS SUBSECTION (16) DOES NOT

1 APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT  
2 NOTIFICATION WAS PROPERLY SENT OR SERVED UPON THE PERSON UNDER  
3 PARAGRAPH (b) OF THIS SUBSECTION (16) AND THE OTHER EVIDENCE  
4 RELEVANT TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE  
5 BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S  
6 DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE  
7 RESPONDENT, AND THE ORDER BECOMES FINAL AS TO THAT PERSON BY  
8 OPERATION OF LAW. THE BOARD SHALL CONDUCT THE HEARING IN  
9 ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S.

10 (III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST  
11 WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED  
12 WITHOUT THE REQUIRED CERTIFICATE, OR HAS OR IS ABOUT TO ENGAGE IN  
13 ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 2, A FINAL  
14 CEASE-AND-DESIST ORDER MAY BE ISSUED, DIRECTING THE PERSON TO  
15 CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNCERTIFIED  
16 PRACTICES.

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

25 (17) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE  
26 EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR  
27 IS ABOUT TO ENGAGE IN AN UNCERTIFIED ACT OR PRACTICE OR AN ACT OR

1 PRACTICE CONSTITUTING A VIOLATION OF THIS PART 2, A RULE  
2 PROMULGATED UNDER THIS PART 2, AN ORDER ISSUED UNDER THIS PART  
3 2, OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE  
4 SANCTION UNDER THIS PART 2, THE BOARD MAY ENTER INTO A  
5 STIPULATION WITH THE PERSON.

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

13 (19) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST  
14 ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR  
15 OF THE BOARD'S FINAL ORDER AS PROVIDED IN SECTION 12-41-213.

16 **12-41-212. Surrender of certificate.** (1) BEFORE THE INITIATION  
17 OF AN INVESTIGATION OR HEARING, A CERTIFIED PHYSICAL THERAPIST  
18 ASSISTANT MAY SURRENDER TO THE BOARD HIS OR HER CERTIFICATE TO  
19 PRACTICE AS A CERTIFIED PHYSICAL THERAPIST ASSISTANT.

20 (2) AFTER THE INITIATION OF AN INVESTIGATION OR HEARING AND  
21 UPON A FINDING THAT TO CONDUCT AN INVESTIGATION OR HEARING  
22 WOULD NOT BE IN THE PUBLIC INTEREST, THE BOARD MAY ALLOW A  
23 CERTIFIED PHYSICAL THERAPIST ASSISTANT TO SURRENDER HIS OR HER  
24 CERTIFICATE TO PRACTICE.

25 (3) THE BOARD SHALL NOT ISSUE A CERTIFICATE TO A FORMER  
26 HOLDER OF A CERTIFICATE WHOSE CERTIFICATE HAS BEEN REVOKED OR  
27 SURRENDERED UNTIL TWO YEARS AFTER THE SURRENDER OR REVOCATION

1 AND THE APPLICANT HAS MET THE REQUIREMENTS OF THIS PART 2, HAS  
2 SUCCESSFULLY REPEATED AN APPROVED EDUCATION PROGRAM, AND HAS  
3 REPEATED AND PASSED A COMPETENCY EVALUATION.

4 (4) THE SURRENDER OF A CERTIFICATE IN ACCORDANCE WITH THIS  
5 SECTION REMOVES ALL RIGHTS AND PRIVILEGES TO PRACTICE AS A  
6 CERTIFIED PHYSICAL THERAPIST ASSISTANT, INCLUDING THE RIGHT TO  
7 APPLY FOR RENEWAL OF A CERTIFICATE.

8 **12-41-213. Judicial review.** THE COURT OF APPEALS HAS INITIAL  
9 JURISDICTION TO REVIEW ALL FINAL ACTIONS AND ORDERS OF THE BOARD  
10 THAT ARE SUBJECT TO JUDICIAL REVIEW. THE PROCEEDINGS MUST BE  
11 CONDUCTED IN ACCORDANCE WITH SECTION 24-4-106 (11), C.R.S.

12 **12-41-214. Unauthorized practices - penalties.** A PERSON WHO  
13 VIOLATES SECTION 12-41-202 COMMITS A CLASS 2 MISDEMEANOR FOR THE  
14 FIRST OFFENSE, AND ANY PERSON COMMITTING A SECOND OR SUBSEQUENT  
15 OFFENSE COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS  
16 PROVIDED IN SECTION 18-1.3-501, C.R.S.

17 **12-41-215. Injunctive proceedings.** THE BOARD MAY APPLY FOR  
18 INJUNCTIVE RELIEF THROUGH THE ATTORNEY GENERAL IN ANY COURT OF  
19 COMPETENT JURISDICTION TO ENJOIN A PERSON WHO DOES NOT POSSESS A  
20 CURRENT VALID CERTIFICATE AS A PHYSICAL THERAPIST ASSISTANT ISSUED  
21 UNDER THIS PART 2 FROM COMMITTING ANY ACT PROHIBITED BY THIS PART  
22 2. THE INJUNCTIVE PROCEEDINGS SHALL BE IN ADDITION TO, AND NOT IN  
23 LIEU OF, ALL PENALTIES AND OTHER REMEDIES PROVIDED FOR IN THIS PART  
24 2.

25 **12-41-216. Repeal of part.** THIS PART 2 IS REPEALED, EFFECTIVE  
26 SEPTEMBER 1, 2018. PRIOR TO THE REPEAL, THE FUNCTIONS OF THE  
27 BOARD OF PHYSICAL THERAPY IN REGULATING PHYSICAL THERAPY

1 ASSISTANTS UNDER THIS PART 2 MUST BE REVIEWED AS PROVIDED FOR IN  
2 SECTION 24-34-104, C.R.S.

3 **SECTION 33. Effective date.** This act shall take effect July 1,  
4 2011.

5 **SECTION 34. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.