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SENATE BILL 11-169

BY SENATOR(S) Boyd;
also REPRESENTATIVE(S) Summers, Fields, Hamner, Labuda, Riesberg,
Ryden, Todd, Vigil, Wilson.

CONCERNING THE REGULATION OF PEOPLE WORKING WITHIN A PHYSICAL
THERAPIST'S SCOPE OF PRACTICE, AND MAKING AN APPROPRIATION
THEREFOR.

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

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 Repeal. 24-34-104 (42) (e), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (42) The following agencies, functions, or both, shall terminate on July 1, 2011:

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

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

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

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (49.5) The following agencies, functions, or both, shall terminate on September 1, 2018:

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

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

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

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

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 (1) This ~~article~~ PART 1 is repealed, effective ~~July 1, 2011~~ SEPTEMBER 1, 2018.

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

SECTION 4. 12-41-103, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

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

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

(5.5) "PHYSICAL THERAPIST ASSISTANT" MEANS A PERSON WHO IS REQUIRED TO BE CERTIFIED UNDER PART 2 OF THIS ARTICLE AND WHO ASSISTS A PHYSICAL THERAPIST IN SELECTED COMPONENTS OF PHYSICAL THERAPY.

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

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

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

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

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

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

(1) (a) THE STATE PHYSICAL THERAPY BOARD IS HEREBY CREATED AS THE AGENCY FOR REGULATION OF THE PRACTICE OF PHYSICAL THERAPY IN THIS STATE AND TO CARRY OUT THE PURPOSES OF THIS ARTICLE. THE BOARD CONSISTS OF FIVE PHYSICAL THERAPIST MEMBERS AND TWO MEMBERS FROM THE PUBLIC AT LARGE, EACH MEMBER TO BE APPOINTED BY THE GOVERNOR BY NO LATER THAN JANUARY 1, 2012, FOR TERMS OF FOUR YEARS. A MEMBER SHALL NOT SERVE MORE THAN TWO CONSECUTIVE TERMS OF FOUR YEARS. THE GOVERNOR SHALL GIVE DUE CONSIDERATION TO HAVING A GEOGRAPHIC, POLITICAL, URBAN, AND RURAL BALANCE AMONG THE BOARD MEMBERS.

(b) EACH MEMBER OF THE BOARD RECEIVES THE COMPENSATION PROVIDED FOR IN SECTION 24-34-102 (13), C.R.S.

(c) THE BOARD EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE DIVISION OF REGISTRATIONS AS IF THE POWERS, DUTIES, AND FUNCTIONS WERE TRANSFERRED TO THE DIVISION BY A **TYPE 1** TRANSFER, AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S. THE DIVISION SHALL PROVIDE NECESSARY MANAGEMENT SUPPORT TO THE BOARD UNDER SECTION 24-34-102, C.R.S.

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

(A) ONE MEMBER SERVES A TWO-YEAR TERM;

(B) TWO MEMBERS SERVE THREE-YEAR TERMS; AND

(C) TWO MEMBERS SERVE FOUR-YEAR TERMS.

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

(A) ONE MEMBER SERVES A TWO-YEAR TERM; AND

(B) ONE MEMBER SERVES A FOUR-YEAR TERM.

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

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

(a) IS A LEGAL RESIDENT OF COLORADO; AND

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

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

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

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

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

(2) In addition to any other powers and duties given the ~~director~~ BOARD by this article, the ~~director shall have~~ BOARD HAS the following powers and duties:

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

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

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

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

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

(II) (A) To administer oaths, take affirmations of witnesses, and

issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the ~~director~~ BOARD. The ~~director~~ BOARD may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the ~~director~~ BOARD.

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

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

~~(e) Repealed.~~

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

~~(g) Repealed.~~

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

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

~~(j) To appoint advisory committees to assist in the performance of~~

~~the director's duties. Members of any such advisory committee shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses which they may incur in the performance of their duties. Such reimbursement shall be cash funded and shall not exceed the amount anticipated to be raised from fees collected pursuant to this article.~~

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

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

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

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

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

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

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

(a) Successfully complete a physical therapy program:

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

(II) ~~Which~~ THAT the director, ~~after consultation with the advisory committee created in section 12-41-126,~~ BOARD has determined to be substantially equivalent. ~~It is the intent of~~ The general assembly INTENDS

that ~~such~~ THIS determination be liberally construed to ensure qualified applicants seeking licensure under this article the right to take the qualifying examination. ~~authorized under this article. It is not the intent of~~ The general assembly ~~that~~ DOES NOT INTEND FOR technical barriers TO be used to deny such applicants the right to take ~~such~~ THE examination.

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

(I) APPROVED BY THE BOARD; AND

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

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

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

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

~~(b) The examination shall be held within the state at such times and places as the director shall determine.~~

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

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

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

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

SECTION 11. 12-41-109 (1) (a), (2), (4), and (5), Colorado Revised Statutes, are amended to read:

12-41-109. Licensure by endorsement. (1) An applicant for licensure by endorsement shall:

(a) Possess ~~an active~~, A valid license in good standing from another state or territory of the United States;

(2) Upon receipt of all documents required by subsection (1) of this section, the director shall review the application and ~~make a determination of~~ DETERMINE IF the ~~applicant's qualification~~ APPLICANT IS QUALIFIED to be licensed by endorsement.

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

(5) The ~~director~~ BOARD may deny ~~such~~ A license if the applicant has committed ~~any~~ AN act which would be grounds for disciplinary action under section 12-41-115.

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

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

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

(I) The applicant passed an examination in another jurisdiction ~~which examination~~ THAT is substantially equivalent to ~~that~~ THE EXAMINATION specified in section 12-41-107 (1) (b), and has demonstrated competency through successful completion of an internship or demonstrated competency as a physical therapist ~~that fulfills~~ BY FULFILLING the requirements established by rules of the ~~director~~ BOARD.

SECTION 13. The introductory portion to 12-41-111 (1) and 12-41-111 (1) (c), (2), and (3), Colorado Revised Statutes, are amended to read:

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

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

~~(2) When the director has verified the credentials and documents required to be submitted by the foreign-trained applicant pursuant to paragraphs (a), (b), (d), and (e) of subsection (1) of this section, he shall qualify such applicant to take the examination required in paragraph (c) of subsection (1) of this section~~ UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL REVIEW THE APPLICATION AND DETERMINE IF THE APPLICANT IS QUALIFIED TO BE LICENSED.

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

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

12-41-112. Expiration and renewal of licenses. AN APPLICANT FOR LICENSURE SHALL PAY LICENSE, RENEWAL, AND REINSTATEMENT FEES ESTABLISHED BY THE DIRECTOR IN THE SAME MANNER AS IS AUTHORIZED IN SECTION 24-34-105, C.R.S. A LICENSEE SHALL RENEW A LICENSE IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE DIRECTOR PURSUANT

TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT UNDER SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW A LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE LICENSE EXPIRES. A PERSON WHOSE LICENSE HAS EXPIRED IS SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE AND SECTION 24-34-102 (8), C.R.S.

SECTION 15. Article 41 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-41-112.5 Inactive license. A PHYSICAL THERAPIST MAY REQUEST THAT THE BOARD INACTIVATE OR ACTIVATE THE PHYSICAL THERAPIST'S LICENSE. THE BOARD SHALL PROMULGATE RULES GOVERNING THE ACTIVATION AND INACTIVATION OF LICENSES. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE BOARD'S RULES MAY LIMIT THE APPLICABILITY OF STATUTORY REQUIREMENTS FOR MAINTAINING PROFESSIONAL LIABILITY INSURANCE AND CONTINUING PROFESSIONAL COMPETENCE FOR A LICENSEE WHOSE LICENSE IS CURRENTLY INACTIVE. THE BOARD NEED NOT REACTIVATE AN INACTIVE LICENSE IF THE PHYSICAL THERAPIST HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-115. A PHYSICAL THERAPIST WHOSE LICENSE IS CURRENTLY INACTIVE SHALL NOT PRACTICE PHYSICAL THERAPY.

SECTION 16. 12-41-113 (1), Colorado Revised Statutes, is amended to read:

12-41-113. Special practice authorities and requirements - rules.

(1) **Supervising persons not licensed as a physical therapist.** ~~A physical therapist may utilize the services of not more than three unlicensed individuals to assist in that therapist's practice. Such individuals shall at all times be under the direct supervision of the physical therapist unless such individuals are physical therapist assistants who shall be under responsible direction and supervision of the physical therapist~~ A PHYSICAL THERAPIST MAY SUPERVISE UP TO FOUR INDIVIDUALS AT ONE TIME WHO ARE NOT PHYSICAL THERAPISTS, INCLUDING CERTIFIED NURSE AIDES, TO ASSIST IN THE THERAPIST'S CLINICAL PRACTICE; EXCEPT THAT THIS LIMIT DOES NOT INCLUDE STUDENT PHYSICAL THERAPISTS AND STUDENT PHYSICAL THERAPIST ASSISTANTS SUPERVISED BY A PHYSICAL THERAPIST FOR EDUCATIONAL PURPOSES. THE BOARD SHALL PROMULGATE RULES GOVERNING THE REQUIRED SUPERVISION. THIS SUBSECTION (1) DOES NOT

AFFECT OR LIMIT THE INDEPENDENT PRACTICE OR JUDGEMENT OF OTHER PROFESSIONS REGULATED UNDER THIS TITLE. For purposes of this subsection (1), a "physical therapist assistant" means a person who has successfully completed a physical therapist assistant program accredited by the commission on accreditation in physical therapy education or any comparable successor entity, who is registered, licensed, or certified as a physical therapist assistant in another state; or who has otherwise qualified to take the physical therapy examination. For purposes of this subsection (1), "direct supervision" shall mean supervision that is on the premises where any such unlicensed individuals are practicing CERTIFIED UNDER PART 2 OF THIS ARTICLE.

SECTION 17. The introductory portion to 12-41-114 (1) and 12-41-114 (1) (f), (1) (g), and (1) (h), Colorado Revised Statutes, are amended to read:

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

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

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

(h) The provision of physical therapy services in this state by ~~any~~ AN individual from another country who is engaged in a physical therapy related educational program if ~~said~~ THE program is sponsored by an institution, agency, or individual approved by the ~~director if said~~ BOARD,

THE program is under the direction and supervision of a physical therapist licensed in this state, and ~~if said~~ THE program does not exceed twelve consecutive months' duration without the specific approval of the ~~director~~ BOARD;

SECTION 18. Article 41 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

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

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A PERSON SHALL NOT PRACTICE PHYSICAL THERAPY UNLESS THE PERSON PURCHASES AND MAINTAINS PROFESSIONAL LIABILITY INSURANCE OF AT LEAST ONE MILLION DOLLARS PER CLAIM AND AT LEAST THREE MILLION DOLLARS PER YEAR FOR ALL CLAIMS UNLESS THE CORPORATION THAT EMPLOYS THE PHYSICAL THERAPIST MAINTAINS THE INSURANCE REQUIRED BY SECTION 12-41-124 IF THE INSURANCE COVERS AT LEAST ONE MILLION DOLLARS PER CLAIM AND AT LEAST THREE MILLION DOLLARS PER YEAR.

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

(3) THIS SECTION DOES NOT APPLY TO A PHYSICAL THERAPIST WHO IS A PUBLIC EMPLOYEE ACTING WITHIN THE COURSE AND SCOPE OF THE PUBLIC EMPLOYEE'S DUTIES AND WHO IS GRANTED IMMUNITY UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.

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

(b) THE BOARD SHALL ADOPT RULES ESTABLISHING A CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT A MINIMUM, THE FOLLOWING ELEMENTS:

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

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

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

(c) THE BOARD SHALL ESTABLISH THAT A LICENSED PHYSICAL THERAPIST SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF THIS SECTION IF THE PHYSICAL THERAPIST MEETS THE CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS OF ONE OF THE FOLLOWING ENTITIES:

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

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

(III) AN ENTITY APPROVED BY THE BOARD.

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

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

(2) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED PHYSICAL THERAPIST. A PERSON OR THE BOARD SHALL NOT USE THE RECORDS OR DOCUMENTS UNLESS USED BY

THE BOARD TO DETERMINE WHETHER A LICENSED PHYSICAL THERAPIST IS MAINTAINING CONTINUING PROFESSIONAL COMPETENCY TO ENGAGE IN THE PROFESSION.

(3) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL COMPETENCY" MEANS THE ONGOING ABILITY OF A PHYSICAL THERAPIST TO LEARN, INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT TO PRACTICE AS A PHYSICAL THERAPIST ACCORDING TO GENERALLY ACCEPTED STANDARDS AND PROFESSIONAL ETHICAL STANDARDS.

SECTION 19. The introductory portion to 12-41-115 (1) and 12-41-115 (1) (c), (1) (d), (1) (g), (1) (j), (1) (l), (1) (m), (1) (n), (1) (o), (1) (p), (1) (q), and (1) (u), Colorado Revised Statutes, are amended, and the said 12-41-115 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

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

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

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

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

(j) Offered, given, or received commissions, rebates, or other forms

of remuneration for the referral of clients; ~~Notwithstanding this provision,~~ EXCEPT THAT a licensee may pay an independent advertising or marketing agent compensation for advertising or marketing services rendered ~~on his behalf~~ by ~~such~~ AN agent ON THE LICENSEE'S BEHALF, including compensation for referrals of clients identified through such services on a per-client basis;

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

(m) (I) ~~A physical or mental condition or disability which renders such licensee unable to treat patients with reasonable skill and safety or which may endanger the health or safety of persons under the licensee's care~~ FAILED TO NOTIFY THE BOARD, AS REQUIRED BY SECTION 12-41-118.5, OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT IMPACTS THE LICENSEE'S ABILITY TO PERFORM PHYSICAL THERAPY WITH REASONABLE SKILL AND SAFETY TO PATIENTS;

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

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

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

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

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

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

(u) Practiced physical therapy during the time the person's license was INACTIVE, EXPIRED, suspended, or revoked;

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

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

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

(y) FAILED TO EITHER:

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

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

SECTION 20. Article 41 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-41-115.5. Protection of medical records - licensee's

obligations - verification of compliance - noncompliance grounds for discipline - rules. (1) EACH LICENSED PHYSICAL THERAPIST RESPONSIBLE FOR PATIENT RECORDS SHALL DEVELOP A WRITTEN PLAN TO ENSURE THE SECURITY OF PATIENT MEDICAL RECORDS. THE PLAN MUST ADDRESS AT LEAST THE FOLLOWING:

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

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

(c) THE METHOD BY WHICH PATIENTS MAY ACCESS OR OBTAIN THEIR MEDICAL RECORDS PROMPTLY IF ANY OF THE EVENTS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) OCCURS.

(2) UPON INITIAL LICENSURE UNDER THIS PART 1 AND UPON RENEWAL OF A LICENSE, THE APPLICANT OR LICENSEE SHALL ATTEST TO THE BOARD THAT HE OR SHE HAS DEVELOPED A PLAN IN COMPLIANCE WITH THIS SECTION.

(3) A LICENSEE SHALL INFORM EACH PATIENT IN WRITING OF THE METHOD BY WHICH THE PATIENT MAY ACCESS OR OBTAIN HIS OR HER MEDICAL RECORDS IF AN EVENT DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION OCCURS.

(4) THE BOARD MAY ADOPT RULES REASONABLY NECESSARY TO IMPLEMENT THIS SECTION.

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

12-41-116. Disciplinary actions. (1) (a) The ~~director pursuant to the provisions of~~ BOARD, IN ACCORDANCE WITH article 4 of title 24, C.R.S., may issue letters of admonition; ~~or may~~ deny, refuse to renew, suspend, or revoke any license; ~~may~~ place a licensee on probation; or ~~may~~ impose public censure or a fine, if ~~after notice and hearing~~; the ~~director~~ BOARD or

the ~~director's~~ BOARD'S designee determines AFTER NOTICE AND THE OPPORTUNITY FOR A HEARING that the licensee has committed ~~any of the acts~~ AN ACT specified in section 12-41-115.

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

(c) ~~The director may take disciplinary action on an emergency basis as provided in section 24-4-105, C.R.S.~~ IN THE CASE OF A DELIBERATE AND WILLFUL VIOLATION OF THIS ARTICLE OR IF THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE EMERGENCY ACTION, THE BOARD MAY TAKE DISCIPLINARY ACTION ON AN EMERGENCY BASIS UNDER SECTIONS 24-4-104 AND 24-4-105, C.R.S.

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

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

(3) In any disciplinary order ~~which~~ THAT allows a physical therapist to continue to practice, the ~~director~~ BOARD may impose upon the licensee such conditions as the ~~director~~ BOARD deems appropriate to ensure that the physical therapist is physically, mentally, and professionally qualified to practice physical therapy in accordance with generally accepted professional standards. Such conditions may include any or all of the following:

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

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

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

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

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

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

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

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

SECTION 22. 12-41-117 (1), (2), (3), (5), (6), (7) (a), (8), (9), (10), (11) (a), (12), (13), and (14), Colorado Revised Statutes, are amended to read:

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

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

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

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

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

(b) Upon failure of ~~any~~ A witness to comply with ~~such~~ A subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board ~~or~~ ~~director~~ with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear

before the ~~director~~ BOARD; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

(6) The ~~director~~ BOARD may keep any investigation authorized under this article closed until the results of such investigation are known and either the complaint is dismissed or notice of hearing and charges are served upon the licensee.

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

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

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

(10) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the ~~director~~ BOARD, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

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

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

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

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

(II) If a person against whom an order to show cause has been

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

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

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

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

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

THE ATTORNEY GENERAL OR DISTRICT ATTORNEY SHALL BRING THE SUIT AS REQUESTED.

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

12-41-118. Mental and physical examination of licensees. (1) If the ~~director~~ BOARD has reasonable cause to believe that a licensee is unable to practice with reasonable skill and safety, the ~~director~~ BOARD may require ~~such person~~ THE LICENSEE to take a mental or physical examination by a ~~physician~~ HEALTH CARE PROVIDER designated by ~~said director~~ THE BOARD. If ~~such~~ THE licensee refuses to undergo such a mental or physical examination, unless due to circumstances beyond the licensee's control, the ~~director~~ BOARD may suspend such licensee's license until the results of ~~any such~~ THE examination are known and the ~~director~~ BOARD has made a determination of the licensee's fitness to practice. The ~~director~~ BOARD shall proceed with ~~any such~~ AN order for examination and ~~such~~ determination in a timely manner.

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

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

(4) A PERSON SHALL NOT USE the results of any mental or physical examination ordered by the ~~director~~ ~~shall not be used~~ BOARD as evidence in any proceeding other than one before the ~~director~~ ~~and shall not be deemed~~

BOARD. THE EXAMINATION RESULTS ARE NOT public records ~~not made~~ AND ARE NOT available to the public.

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

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

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

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

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

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

(d) BY ENTERING INTO AN AGREEMENT WITH THE BOARD UNDER THIS SUBSECTION (2) TO LIMIT HIS OR HER PRACTICE, THE LICENSEE IS NOT ENGAGING IN UNPROFESSIONAL CONDUCT. THE AGREEMENT IS AN ADMINISTRATIVE ACTION AND DOES NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER, IF THE LICENSEE FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (2), THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY

ACTION UNDER SECTION 12-41-115 (1) (m) AND THE LICENSEE IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-41-116.

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

SECTION 25. 12-41-119 (1) (a), (2), and (3), Colorado Revised Statutes, are amended to read:

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

(a) The ~~director~~ BOARD;

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

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

SECTION 26. 12-41-120, Colorado Revised Statutes, is amended to read:

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

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

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

SECTION 27. 12-41-122 (1), Colorado Revised Statutes, is amended to read:

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

SECTION 28. 12-41-123, Colorado Revised Statutes, is amended to read:

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

SECTION 29. The introductory portion to 12-41-124 (1), 12-41-124 (1) (b), (1) (d), (1) (g), (2), and (3), and the introductory portion to 12-41-124 (5) (b), Colorado Revised Statutes, are amended to read:

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

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

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

(II) IF A PERSON LICENSED TO PRACTICE PHYSICAL THERAPY WHO WAS A SHAREHOLDER OF THE CORPORATION DIES, AN UNLICENSED HEIR TO THE DECEASED SHAREHOLDER MAY BECOME A SHAREHOLDER OF THE CORPORATION FOR UP TO TWO YEARS. UNLESS THE HEIR IS THE ONLY SHAREHOLDER OF THE CORPORATION, THE HEIR WHO BECOMES A SHAREHOLDER IS A NONVOTING SHAREHOLDER. IF THE HEIR OF THE DECEASED SHAREHOLDER CEASES TO BE A SHAREHOLDER, THE OWNER WHO RECEIVED THE STOCKS FROM THE SHAREHOLDER SHALL DISPOSE OF THE SHARES IN ACCORDANCE WITH THE PROVISIONS REQUIRED BY PARAGRAPH (e) OF THIS SUBSECTION (1). AN HEIR WHO IS NOT LICENSED UNDER THIS ARTICLE SHALL NOT EXERCISE ANY AUTHORITY OVER PROFESSIONAL OR CLINICAL MATTERS.

(g) The articles of incorporation ~~shall~~ MUST provide, and all shareholders of the corporation shall agree, that all shareholders of the corporation ~~shall be~~ ARE jointly and severally liable for all acts, errors, and omissions of the employees of the corporation or that all shareholders of the corporation ~~shall be~~ ARE jointly and severally liable for all acts, errors, and omissions of the employees of the corporation except ~~during periods of time~~ when THE SHAREHOLDERS MAINTAIN PROFESSIONAL LIABILITY INSURANCE THAT MEETS THE STANDARDS OF SECTION 12-14-114.5 OR WHEN the corporation ~~shall maintain in good standing~~ MAINTAINS professional liability insurance ~~which shall meet~~ THAT MEETS the following minimum standards:

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

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

(III) The insurance policy ~~shall~~ MUST provide for an amount for each claim of at least one hundred thousand dollars multiplied by the number of persons licensed to practice physical therapy employed by the corporation. The policy ~~shall~~ MUST provide for an aggregate top limit of liability per year for all claims of three hundred thousand dollars also multiplied by the number of persons licensed to practice physical therapy employed by the corporation, but no firm ~~shall be~~ IS required to carry insurance in excess of three hundred thousand dollars for each claim with an aggregate top limit of liability for all claims during the year of nine hundred thousand dollars.

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

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

(B) The conduct of any business enterprise, ~~as distinguished from~~ NOT INCLUDING the practice of physical therapy, in which the insured corporation under this section is not permitted to engage but ~~which~~ THAT

nevertheless may be owned by the insured corporation, or in which the insured corporation may be a partner, or ~~which~~ THAT may be controlled, operated, or managed by the insured corporation in its own or in a fiduciary capacity, including the ownership, maintenance, or use of any property in connection therewith, when not resulting from breach of professional duty, bodily injury to, or sickness, disease, or death of any person, or to injury to or destruction of any tangible property, including the loss of use thereof; and

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

(2) The corporation shall do nothing ~~which~~ THAT, if done by a person licensed to practice physical therapy ~~in the state of Colorado~~ and employed by it THE CORPORATION, would constitute any ground for disciplinary action, as set forth in section 12-41-115. Any violation by the corporation of this section ~~shall be~~ IS grounds for the ~~director~~ BOARD to terminate or suspend its right to practice physical therapy.

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

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

SECTION 30. Repeal of provision being relocated in this act. 12-41-125, Colorado Revised Statutes, is repealed.

SECTION 31. Repeal. 12-41-126, Colorado Revised Statutes, is repealed as follows:

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

SECTION 32. 12-41-127, Colorado Revised Statutes, is amended to read:

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

SECTION 33. 12-64-105 (13), Colorado Revised Statutes, is amended to read:

12-64-105. Board of veterinary medicine. (13) The board shall ~~pursuant to section 12-41-125 (2) (b) (H); consult with the director of the division of registrations in the department of regulatory agencies~~ STATE PHYSICAL THERAPY BOARD CREATED IN SECTION 12-41-103.3 concerning rules that the director intends to adopt with regard to physical therapy of animals.

SECTION 34. Article 41 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 2
PHYSICAL THERAPIST ASSISTANTS

12-41-201. Additional board authority - rules. (1) IN ADDITION TO ALL OTHER POWERS AND DUTIES GIVEN TO THE BOARD BY LAW, THE BOARD MAY:

(a) CERTIFY PHYSICAL THERAPIST ASSISTANTS TO PRACTICE;

(b) EVALUATE THE QUALIFICATIONS OF APPLICANTS FOR CERTIFICATION, ISSUE AND RENEW THE CERTIFICATIONS AUTHORIZED UNDER THIS PART 2, AND TAKE THE DISCIPLINARY ACTIONS AUTHORIZED UNDER THIS PART 2;

(c) CONDUCT HEARINGS UPON CHARGES FOR DISCIPLINE OF A CERTIFIED PHYSICAL THERAPIST ASSISTANT AND CAUSE THE PROSECUTION AND ENJOINER OF ALL PERSONS VIOLATING THIS PART 2;

(d) ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD;

(e) APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD; AND

(f) ESTABLISH FINES UNDER SECTION 12-41-122.

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

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

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

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

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

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

(2) A PHYSICAL THERAPIST ASSISTANT SHALL NOT PRACTICE PHYSICAL THERAPY UNLESS THE ASSISTANT WORKS UNDER THE SUPERVISION OF A LICENSED PHYSICAL THERAPIST.

12-41-204. Certification required. EFFECTIVE JUNE 1, 2012, EXCEPT AS OTHERWISE PROVIDED BY THIS PART 2, A PERSON WHO PRACTICES AS A PHYSICAL THERAPIST ASSISTANT OR WHO REPRESENTS ONESELF AS BEING ABLE TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE MUST POSSESS A VALID CERTIFICATION ISSUED BY THE BOARD UNDER THIS PART 2 AND RULES ADOPTED UNDER THIS PART 2.

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

(a) (I) HAVE SUCCESSFULLY COMPLETED A PHYSICAL THERAPIST ASSISTANT PROGRAM ACCREDITED BY THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION OR ANY COMPARABLE ORGANIZATION AS

DETERMINED BY THE BOARD; OR

(II) QUALIFY TO TAKE THE PHYSICAL THERAPY EXAMINATION ESTABLISHED UNDER SECTION 12-41-107;

(b) PASS A WRITTEN EXAMINATION THAT IS:

(I) APPROVED BY THE BOARD; AND

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

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

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

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

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

(4) (a) IN LIEU OF QUALIFYING UNDER SUBSECTION (1) OF THIS SECTION, A PERSON MAY QUALIFY AS A PHYSICAL THERAPIST ASSISTANT IF THE PERSON HAS AT LEAST FIVE YEARS OF EXPERIENCE PRACTICING AS A PHYSICAL THERAPIST ASSISTANT OR IS OTHERWISE QUALIFIED AS DETERMINED BY THE BOARD.

(b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 1, 2013.

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

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

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

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

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

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

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

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

(c) THE APPLICANT HAS PASSED AN EXAMINATION IN ANOTHER JURISDICTION THAT IS SUBSTANTIALLY EQUIVALENT TO THE EXAMINATION SPECIFIED IN SECTION 12-41-205 (1) (b), AND HAS DEMONSTRATED COMPETENCY THROUGH SUCCESSFUL COMPLETION OF AN INTERNSHIP OR DEMONSTRATED COMPETENCY AS A PHYSICAL THERAPIST ASSISTANT BY FULFILLING THE REQUIREMENTS ESTABLISHED BY RULES OF THE BOARD.

(4) THE BOARD MAY DENY CERTIFICATION IF THE APPLICANT HAS COMMITTED AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210.

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

(1) EVERY FOREIGN-TRAINED APPLICANT FOR CERTIFICATION SHALL:

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

(b) POSSESS AN ACTIVE, VALID LICENSE, CERTIFICATION, OR REGISTRATION IN GOOD STANDING OR OTHER AUTHORIZATION TO PRACTICE AS A PHYSICAL THERAPIST ASSISTANT FROM AN APPROPRIATE AUTHORITY IN THE COUNTRY WHERE THE FOREIGN-TRAINED APPLICANT IS PRACTICING OR HAS PRACTICED;

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

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

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

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

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

12-41-208. Expiration and renewal of certification. AN APPLICANT FOR CERTIFICATION SHALL PAY CERTIFICATION, RENEWAL, AND REINSTATEMENT FEES ESTABLISHED BY THE DIRECTOR IN THE SAME MANNER AS IS AUTHORIZED IN SECTION 24-34-105, C.R.S. A CERTIFIED PHYSICAL THERAPIST ASSISTANT SHALL RENEW A CERTIFICATION IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE DIRECTOR PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT UNDER SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW A CERTIFICATION PURSUANT TO THE SCHEDULE

ESTABLISHED BY THE DIRECTOR, THE CERTIFICATION EXPIRES. A PERSON WHOSE CERTIFICATION HAS EXPIRED IS SUBJECT TO THE PENALTIES PROVIDED IN THIS PART 2 AND SECTION 24-34-102 (8), C.R.S.

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

(a) PRACTICE AS A PHYSICAL THERAPIST ASSISTANT IN THIS STATE BY A LEGALLY QUALIFIED PHYSICAL THERAPIST ASSISTANT FROM ANOTHER STATE OR COUNTRY WHOSE EMPLOYMENT REQUIRES THE PHYSICAL THERAPIST ASSISTANT TO ACCOMPANY AND CARE FOR A PATIENT TEMPORARILY RESIDING IN THIS STATE, BUT THE PHYSICAL THERAPIST ASSISTANT SHALL NOT PROVIDE PHYSICAL THERAPY SERVICES FOR ANOTHER INDIVIDUAL NOR SHALL THE PERSON REPRESENT OR HOLD HIMSELF OR HERSELF OUT AS A PHYSICAL THERAPIST ASSISTANT CERTIFIED TO PRACTICE IN THIS STATE;

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

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

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

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

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

(a) COMMITTED AN ACT THAT DOES NOT MEET GENERALLY

ACCEPTED STANDARDS OF PHYSICAL THERAPIST ASSISTANT PRACTICE OR FAILED TO PERFORM AN ACT NECESSARY TO MEET GENERALLY ACCEPTED STANDARDS OF PHYSICAL THERAPIST ASSISTANT PRACTICE;

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

(c) ABANDONED A PATIENT BY ANY MEANS;

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

(e) (I) COMMITTED ABUSE OF HEALTH INSURANCE AS SET FORTH IN SECTION 18-13-119, C.R.S.; OR

(II) ADVERTISED THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS, DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE CERTIFIED PHYSICAL THERAPIST ASSISTANT WILL PERFORM AN ACT PROHIBITED BY SECTION 18-13-119, C.R.S.;

(f) COMMITTED A FRAUDULENT INSURANCE ACT, AS DEFINED IN SECTION 10-1-128, C.R.S.;

(g) FALSIFIED INFORMATION IN ANY APPLICATION OR ATTEMPTED TO OBTAIN OR OBTAINED A CERTIFICATION BY FRAUD, DECEPTION, OR MISREPRESENTATION;

(h) ENGAGED IN THE HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL, A HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 12-22-303;

(i) (I) FAILED TO NOTIFY THE BOARD, AS REQUIRED BY SECTION 12-41-214, OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT IMPACTS THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S ABILITY TO PERFORM PHYSICAL THERAPY WITH REASONABLE SKILL AND SAFETY TO PATIENTS;

(II) FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A

PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE CERTIFIED PHYSICAL THERAPIST ASSISTANT UNABLE TO PERFORM PHYSICAL THERAPY WITH REASONABLE SKILL AND SAFETY TO THE PATIENT; OR

(III) FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER A CONFIDENTIAL AGREEMENT ENTERED INTO UNDER SECTION 12-41-214;

(j) REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL EXAMINATION WHEN SO ORDERED BY THE BOARD UNDER SECTION 12-41-213;

(k) FAILED TO NOTIFY THE BOARD IN WRITING OF THE ENTRY OF A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION AGAINST THE CERTIFIED PHYSICAL THERAPIST ASSISTANT FOR MALPRACTICE OR A SETTLEMENT BY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IN RESPONSE TO CHARGES OR ALLEGATIONS OF MALPRACTICE, WHICH NOTICE MUST BE GIVEN WITHIN NINETY DAYS AFTER THE ENTRY OF JUDGMENT OR SETTLEMENT AND, IN THE CASE OF A JUDGMENT, MUST CONTAIN THE NAME OF THE COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES TO THE ACTION;

(l) VIOLATED OR AIDED OR ABETTED A VIOLATION OF THIS PART 2, A RULE ADOPTED UNDER THIS PART 2, OR A LAWFUL ORDER OF THE BOARD;

(m) BEEN CONVICTED OF, PLED GUILTY, OR PLED NOLO CONTENDERE TO A CRIME RELATED TO THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S PRACTICE OR A FELONY OR COMMITTED AN ACT SPECIFIED IN SECTION 12-41-216. A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS CONCLUSIVE EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE DISCIPLINARY ACTION, THE BOARD IS GOVERNED BY SECTION 24-5-101, C.R.S.

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

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

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

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

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

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

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

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

(b) WHEN THE BOARD SENDS A LETTER OF ADMONITION TO A CERTIFIED PHYSICAL THERAPIST ASSISTANT, THE BOARD SHALL NOTIFY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT OF HIS OR HER RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT DESCRIBED IN THE LETTER OF ADMONITION.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION IS VACATED AND THE MATTER MUST BE PROCESSED BY

MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

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

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

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

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

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

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

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

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

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

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

12-41-212. Disciplinary proceedings - investigations - judicial review. (1) THE BOARD MAY COMMENCE A PROCEEDING FOR THE DISCIPLINE OF A PHYSICAL THERAPIST ASSISTANT WHEN THE BOARD HAS REASONABLE GROUNDS TO BELIEVE THAT A PHYSICAL THERAPIST ASSISTANT HAS COMMITTED AN ACT ENUMERATED IN SECTION 12-41-210.

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

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

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

(4) (a) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE MAY

ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD UNDER THIS PART 2. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR CERTIFIED PHYSICAL THERAPIST ASSISTANT RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD WITH NOTICE TO THE SUBPOENAED PERSON OR CERTIFIED PHYSICAL THERAPIST ASSISTANT, MAY ISSUE AN ORDER REQUIRING THAT PERSON OR CERTIFIED PHYSICAL THERAPIST ASSISTANT TO APPEAR BEFORE THE BOARD; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(5) THE BOARD MAY KEEP ANY INVESTIGATION AUTHORIZED UNDER THIS PART 2 CLOSED UNTIL THE RESULTS OF THE INVESTIGATION ARE KNOWN AND EITHER THE COMPLAINT IS DISMISSED OR NOTICE OF HEARING AND CHARGES ARE SERVED UPON THE CERTIFIED PHYSICAL THERAPIST ASSISTANT.

(6) (a) THE BOARD, THE DIRECTOR'S STAFF, A WITNESS OR CONSULTANT TO THE BOARD, A WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 2, OR A PERSON WHO LODGES A COMPLAINT UNDER THIS PART 2 IS IMMUNE FROM LIABILITY IN A CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS A BOARD MEMBER, STAFF MEMBER, CONSULTANT, WITNESS, OR COMPLAINANT IF THE INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED WITH THE REASONABLE BELIEF THAT THE ACTION TAKEN WAS WARRANTED BY THE FACTS.

(b) A PERSON MAKING A COMPLAINT OR REPORT IN GOOD FAITH OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING

PURSUANT TO THIS SECTION IS IMMUNE FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF THE PARTICIPATION.

(7) THE BOARD, THROUGH THE DEPARTMENT OF REGULATORY AGENCIES, MAY EMPLOY ADMINISTRATIVE LAW JUDGES APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., ON A FULL-TIME OR PART-TIME BASIS, TO CONDUCT HEARINGS UNDER THIS PART 2 OR ON ANY MATTER WITHIN THE BOARD'S JURISDICTION UPON THE CONDITIONS AND TERMS AS THE BOARD MAY DETERMINE.

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

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

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

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

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

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

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

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

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

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

(12) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNCERTIFIED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 2, A RULE PROMULGATED UNDER THIS PART 2, AN ORDER ISSUED UNDER THIS PART 2, OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION UNDER THIS PART 2, THE BOARD MAY ENTER INTO A STIPULATION WITH THE PERSON.

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

12-41-213. Mental and physical examination of certified physical therapist assistants. (1) IF THE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT A CERTIFIED PHYSICAL THERAPIST ASSISTANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY, THE BOARD MAY REQUIRE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT TO TAKE A MENTAL OR PHYSICAL EXAMINATION BY A HEALTH CARE PROVIDER DESIGNATED BY THE BOARD. IF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT REFUSES TO

UNDERGO THE MENTAL OR PHYSICAL EXAMINATION, UNLESS DUE TO CIRCUMSTANCES BEYOND THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S CONTROL, THE BOARD MAY SUSPEND THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S CERTIFICATION UNTIL THE RESULTS OF THE EXAMINATION ARE KNOWN AND THE BOARD HAS MADE A DETERMINATION OF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S FITNESS TO PRACTICE. THE BOARD SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND DETERMINATION IN A TIMELY MANNER.

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

(3) THE CERTIFIED PHYSICAL THERAPIST ASSISTANT MAY SUBMIT TO THE BOARD TESTIMONY OR EXAMINATION REPORTS FROM A HEALTH CARE PROVIDER CHOSEN BY THE CERTIFIED PHYSICAL THERAPIST ASSISTANT PERTAINING TO THE CONDITION THAT THE BOARD HAS ALLEGED MAY PRECLUDE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT FROM PRACTICING WITH REASONABLE SKILL AND SAFETY. THE BOARD MAY CONSIDER SUCH TESTIMONY OR EXAMINATION REPORTS IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND EXAMINATION REPORTS OF THE HEALTH CARE PROVIDER DESIGNATED BY THE BOARD.

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

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

(1) IF A CERTIFIED PHYSICAL THERAPIST ASSISTANT SUFFERS FROM A PHYSICAL OR MENTAL ILLNESS OR CONDITION RENDERING THE CERTIFIED PHYSICAL THERAPIST ASSISTANT UNABLE TO PRACTICE WITH REASONABLE SKILL AND PATIENT SAFETY, THE CERTIFIED PHYSICAL THERAPIST ASSISTANT

SHALL NOTIFY THE BOARD OF THE ILLNESS OR CONDITION IN A MANNER AND WITHIN A PERIOD OF TIME DETERMINED BY THE BOARD. THE BOARD MAY REQUIRE THE CERTIFIED PHYSICAL THERAPIST ASSISTANT TO SUBMIT TO AN EXAMINATION, OR THE BOARD MAY EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON THE CERTIFIED PHYSICAL THERAPIST ASSISTANT'S ABILITY TO PRACTICE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

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

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

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

(d) BY ENTERING INTO AN AGREEMENT WITH THE BOARD UNDER THIS SUBSECTION (2) TO LIMIT HIS OR HER PRACTICE, THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IS NOT ENGAGING IN UNPROFESSIONAL CONDUCT. THE AGREEMENT IS AN ADMINISTRATIVE ACTION AND DOES NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER, IF THE CERTIFIED PHYSICAL THERAPIST ASSISTANT FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION (2), THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-41-210 (1) (i) AND THE CERTIFIED PHYSICAL THERAPIST ASSISTANT IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-41-211.

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

12-41-215. Reports by insurance companies. (1) (a) EACH

INSURANCE COMPANY LICENSED TO DO BUSINESS IN THIS STATE AND ENGAGED IN THE WRITING OF MALPRACTICE INSURANCE FOR PHYSICAL THERAPIST ASSISTANTS SHALL SEND TO THE BOARD INFORMATION ABOUT ANY MALPRACTICE CLAIM THAT INVOLVES A PHYSICAL THERAPIST ASSISTANT AND IS SETTLED OR IN WHICH JUDGMENT IS RENDERED AGAINST THE INSURED.

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

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

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

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

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

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

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

COURT SHALL ENTER A DECREE PERPETUALLY ENJOINING THE DEFENDANT FROM FURTHER COMMITTING THE ACT. IF A PERSON VIOLATES AN INJUNCTION ISSUED UNDER THIS SECTION, THE COURT MAY TRY AND PUNISH THE OFFENDER FOR CONTEMPT OF COURT. AN INJUNCTION PROCEEDING IS IN ADDITION TO, AND NOT IN LIEU OF, ALL PENALTIES AND OTHER REMEDIES PROVIDED IN THIS PART 2.

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

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

12-41-221. Repeal of part. THIS PART 2 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2018. PRIOR TO THE REPEAL, THE FUNCTIONS OF THE BOARD OF PHYSICAL THERAPY IN REGULATING PHYSICAL THERAPY ASSISTANTS UNDER THIS PART 2 MUST BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

SECTION 35. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of one hundred one thousand eight hundred fourteen dollars (\$101,814) cash funds and 1.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for legal services, for the fiscal year beginning July 1, 2011, the sum of thirty-eight thousand eight hundred eighty-six dollars (\$38,886) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office and administrative services, for information technology costs, for the fiscal year beginning July 1, 2011, the sum of twenty-three thousand six hundred eighty dollars (\$23,680) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of thirty-eight thousand eight hundred eighty-six dollars (\$38,886) and 0.3 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (2) of this section.

(5) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of twenty-three thousand six hundred eighty dollars (\$23,680) cash funds, or so much thereof as may be necessary, for the programming services to be provided to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (3) of this section.

SECTION 36. Effective date. This act shall take effect July 1, 2011.

SECTION 37. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO