

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 16-0224.01 Christy Chase x2008

**SENATE BILL 16-161**

---

**SENATE SPONSORSHIP**

**Crowder,**

**HOUSE SPONSORSHIP**

**Primavera,**

---

**Senate Committees**

Business, Labor, & Technology  
Finance  
Appropriations

**House Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING THE REGULATION OF ATHLETIC TRAINERS BY THE**  
102                    **DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE**  
103                    **DEPARTMENT OF REGULATORY AGENCIES.**

---

**Bill Summary**

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

Prior to July 1, 2015, athletic trainers practicing in Colorado were regulated by the director of the division of professions and occupations (director) in the department of regulatory agencies. In the 2015 legislative session, the general assembly did not enact legislation to continue the director's authority to regulate athletic trainers, resulting in the repeal of

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



1           **12-29.7-102. Legislative declaration.** THE GENERAL ASSEMBLY  
2           HEREBY FINDS AND DECLARES THAT THE PRACTICE OF ATHLETIC TRAINING  
3           BY A PERSON WHO DOES NOT POSSESS A VALID REGISTRATION ISSUED  
4           PURSUANT TO THIS ARTICLE IS NOT IN THE BEST INTERESTS OF THE PEOPLE  
5           OF THE STATE OF COLORADO. IT IS NOT, HOWEVER, THE INTENT OF THIS  
6           ARTICLE TO RESTRICT THE PRACTICE OF A PERSON DULY LICENSED,  
7           CERTIFIED, OR REGISTERED UNDER ANY ARTICLE OF THIS TITLE OR OTHER  
8           LAWS OF THIS STATE FROM PRACTICING WITHIN THE PERSON'S SCOPE OF  
9           PRACTICE AND AUTHORITY PURSUANT TO THOSE LAWS.

10           **12-29.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
11           CONTEXT OTHERWISE REQUIRES:

12           (1) "ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM"  
13           MEANS A PROGRAM OF INSTRUCTION IN ATHLETIC TRAINING THAT IS  
14           OFFERED BY AN INSTITUTION OF HIGHER EDUCATION AND ACCREDITED BY  
15           A NATIONAL, REGIONAL, OR STATE AGENCY RECOGNIZED BY THE UNITED  
16           STATES SECRETARY OF EDUCATION, OR ANY OTHER ACCREDITED PROGRAM  
17           APPROVED BY THE DIRECTOR.

18           (2) "ATHLETE" MEANS A PERSON WHO, IN ASSOCIATION WITH AN  
19           EDUCATIONAL INSTITUTION, AN ORGANIZED COMMUNITY SPORTS  
20           PROGRAM OR EVENT, OR A PROFESSIONAL, AMATEUR, OR RECREATIONAL  
21           ORGANIZATION OR SPORTS CLUB, PARTICIPATES IN GAMES, SPORTS,  
22           RECREATION, OR EXERCISE REQUIRING PHYSICAL STRENGTH, FLEXIBILITY,  
23           RANGE OF MOTION, SPEED, STAMINA, OR AGILITY.

24           (3) "ATHLETIC TRAINER" MEANS A PERSON ENGAGED IN THE  
25           PRACTICE OF ATHLETIC TRAINING.

26           (4)(a) "ATHLETIC TRAINING" MEANS THE PERFORMANCE OF THOSE  
27           SERVICES THAT REQUIRE THE EDUCATION, TRAINING, AND EXPERIENCE

1       REQUIRED BY THIS ARTICLE FOR REGISTRATION AS AN ATHLETIC TRAINER  
2       PURSUANT TO SECTION 12-29.7-107. "ATHLETIC TRAINING" INCLUDES  
3       SERVICES APPROPRIATE FOR THE PREVENTION, RECOGNITION, ASSESSMENT,  
4       MANAGEMENT, TREATMENT, REHABILITATION, AND RECONDITIONING OF  
5       INJURIES AND ILLNESSES SUSTAINED BY AN ATHLETE:

6               (I) WHO IS ENGAGED IN SPORTS, GAMES, RECREATION, OR  
7       EXERCISE REQUIRING PHYSICAL STRENGTH, FLEXIBILITY, RANGE OF  
8       MOTION, SPEED, STAMINA, OR AGILITY; OR

9               (II) THAT AFFECT AN ATHLETE'S PARTICIPATION OR PERFORMANCE  
10       IN SPORTS, GAMES, RECREATION, OR EXERCISE AS DESCRIBED IN  
11       SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

12              (b) "ATHLETIC TRAINING" INCLUDES:

13               (I) PLANNING, ADMINISTERING, EVALUATING, AND MODIFYING  
14       METHODS FOR PREVENTION AND RISK MANAGEMENT OF INJURIES AND  
15       ILLNESSES;

16               (II) IDENTIFYING AN ATHLETE'S MEDICAL CONDITIONS AND  
17       DISABILITIES AND APPROPRIATELY CARING FOR OR REFERRING AN ATHLETE  
18       AS APPROPRIATE;

19               (III) RECOGNIZING, ASSESSING, TREATING, MANAGING,  
20       PREVENTING, REHABILITATING, RECONDITIONING, AND APPROPRIATELY  
21       REFERRING TO ANOTHER HEALTH CARE PROVIDER TO TREAT INJURIES AND  
22       ILLNESSES;

23               (IV) USING THERAPEUTIC MODALITIES FOR WHICH THE ATHLETIC  
24       TRAINER HAS RECEIVED APPROPRIATE TRAINING AND EDUCATION;

25               (V) USING CONDITIONING AND REHABILITATIVE EXERCISE;

26               (VI) USING TOPICAL PHARMACOLOGICAL AGENTS, IN CONJUNCTION  
27       WITH THE ADMINISTRATION OF THERAPEUTIC MODALITIES AND PURSUANT

1 TO PRESCRIPTIONS ISSUED IN ACCORDANCE WITH THE LAWS OF THIS STATE,  
2 FOR WHICH THE ATHLETIC TRAINER HAS RECEIVED APPROPRIATE TRAINING  
3 AND EDUCATION;

4 (VII) EDUCATING AND COUNSELING ATHLETES CONCERNING THE  
5 PREVENTION AND CARE OF INJURIES AND ILLNESSES;

6 (VIII) EDUCATING AND COUNSELING THE GENERAL PUBLIC WITH  
7 RESPECT TO ATHLETIC TRAINING SERVICES;

8 (IX) REFERRING AN ATHLETE RECEIVING ATHLETIC TRAINING  
9 SERVICES TO APPROPRIATE HEALTH CARE PERSONNEL AS NEEDED; AND

10 (X) PLANNING, ORGANIZING, ADMINISTERING, AND EVALUATING  
11 THE PRACTICE OF ATHLETIC TRAINING.

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

16 (5) "DIRECTION OF A COLORADO-LICENSED OR OTHERWISE  
17 LAWFULLY PRACTICING PHYSICIAN, DENTIST, OR HEALTH CARE  
18 PROFESSIONAL" MEANS THE PLANNING OF SERVICES WITH A PHYSICIAN,  
19 DENTIST, OR HEALTH CARE PROFESSIONAL; THE DEVELOPMENT AND  
20 APPROVAL BY THE PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL  
21 OF PROCEDURES AND PROTOCOLS TO BE FOLLOWED IN THE EVENT OF AN  
22 INJURY OR ILLNESS; THE MUTUAL REVIEW OF THE PROTOCOLS ON A  
23 PERIODIC BASIS; AND THE APPROPRIATE CONSULTATION AND REFERRAL  
24 BETWEEN THE PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL AND  
25 THE ATHLETIC TRAINER.

26 (6) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR HIS OR  
27 HER DESIGNEE.

1 (7) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND  
2 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES CREATED  
3 IN SECTION 24-34-102, C.R.S.

4 (8) "NATIONAL CERTIFYING AGENCY" MEANS A NATIONALLY  
5 RECOGNIZED AGENCY THAT CERTIFIES THE COMPETENCY OF ATHLETIC  
6 TRAINERS THROUGH THE USE OF AN EXAMINATION.

7 (9) "REGISTRANT" MEANS AN ATHLETIC TRAINER REGISTERED  
8 PURSUANT TO THIS ARTICLE.

9 **12-29.7-104. Use of titles restricted.** ONLY A PERSON REGISTERED  
10 AS AN ATHLETIC TRAINER MAY USE THE TITLE "ATHLETIC TRAINER" OR  
11 "REGISTERED ATHLETIC TRAINER", THE LETTERS "A.T.", "A.T.C.", OR ANY  
12 OTHER GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT  
13 INDICATE THAT THE PERSON IS AN ATHLETIC TRAINER.

14 **12-29.7-105. Limitations on authority.** (1) NOTHING IN THIS  
15 ARTICLE AUTHORIZES AN ATHLETIC TRAINER TO PRACTICE:

- 16 (a) MEDICINE, AS DEFINED IN ARTICLE 36 OF THIS TITLE;
- 17 (b) PHYSICAL THERAPY, AS DEFINED IN ARTICLE 41 OF THIS TITLE;
- 18 (c) CHIROPRACTIC, AS DEFINED IN ARTICLE 33 OF THIS TITLE;
- 19 (d) OCCUPATIONAL THERAPY, AS DEFINED IN ARTICLE 40.5 OF THIS  
20 TITLE; OR
- 21 (e) ANY OTHER REGULATED FORM OF HEALING EXCEPT AS  
22 AUTHORIZED BY THIS ARTICLE.

23 (2) NOTHING IN THIS ARTICLE AUTHORIZES AN ATHLETIC TRAINER  
24 TO TREAT A DISEASE OR CONDITION THAT IS NOT RELATED TO A PERSON'S  
25 PARTICIPATION IN SPORTS, GAMES, RECREATION, OR EXERCISE, BUT THE  
26 ATHLETIC TRAINER SHALL TAKE A PERSON'S DISEASE OR CONDITION INTO  
27 ACCOUNT IN PROVIDING ATHLETIC TRAINING SERVICES AND SHALL

1 CONSULT WITH A PHYSICIAN AS APPROPRIATE REGARDING THE DISEASE OR  
2 CONDITION.

3 (3) NOTHING IN THIS ARTICLE PROHIBITS A PERSON FROM  
4 RECOMMENDING WEIGHT MANAGEMENT OR EXERCISE TO IMPROVE  
5 STRENGTH, CONDITIONING, FLEXIBILITY, AND CARDIOVASCULAR  
6 PERFORMANCE TO A PERSON IN NORMAL HEALTH AS LONG AS THE PERSON  
7 RECOMMENDING THE WEIGHT MANAGEMENT OR EXERCISE DOES NOT  
8 REPRESENT HIMSELF OR HERSELF AS AN ATHLETIC TRAINER AND THE  
9 PERSON DOES NOT ENGAGE IN ATHLETIC TRAINING AS DEFINED IN THIS  
10 ARTICLE.

11 **12-29.7-106. Registration required.** (1) EXCEPT AS OTHERWISE  
12 PROVIDED IN THIS ARTICLE, IN ORDER TO PRACTICE ATHLETIC TRAINING OR  
13 REPRESENT ONESELF AS BEING ABLE TO PRACTICE ATHLETIC TRAINING IN  
14 THIS STATE, A PERSON MUST:

15 (a) POSSESS A VALID REGISTRATION ISSUED BY THE DIRECTOR IN  
16 ACCORDANCE WITH THIS ARTICLE AND ANY RULES ADOPTED UNDER THIS  
17 ARTICLE; AND

18 (b) PRACTICE PURSUANT TO THE DIRECTION OF A  
19 COLORADO-LICENSED OR OTHERWISE LAWFULLY PRACTICING PHYSICIAN,  
20 DENTIST, OR HEALTH CARE PROFESSIONAL.

21 **12-29.7-107. Requirements for registration - registration by**  
22 **endorsement - application - denial.** (1) EVERY APPLICANT FOR A  
23 REGISTRATION TO PRACTICE ATHLETIC TRAINING MUST HAVE:

24 (a) EARNED A BACCALAUREATE DEGREE FROM AN ACCREDITED  
25 COLLEGE OR UNIVERSITY;

26 (b) SUCCESSFULLY COMPLETED AN ACCREDITED ATHLETIC  
27 TRAINING EDUCATION PROGRAM;

1 (c) (I) PASSED A COMPETENCY EXAMINATION ADMINISTERED BY  
2 A NATIONAL CERTIFYING AGENCY THAT HAS BEEN APPROVED BY THE  
3 DIRECTOR AND PROVIDED EVIDENCE OF CURRENT CERTIFICATION BY THE  
4 NATIONAL CERTIFYING AGENCY; OR

5 (II) PASSED A COMPETENCY EXAMINATION DEVELOPED AND  
6 ADMINISTERED BY THE DIRECTOR;

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

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

10 (f) SUBMITTED ADDITIONAL INFORMATION AS REQUESTED BY THE  
11 DIRECTOR TO FULLY AND FAIRLY EVALUATE THE APPLICANT'S  
12 QUALIFICATIONS FOR REGISTRATION AND TO PROTECT PUBLIC HEALTH AND  
13 SAFETY.

14 (2) WHEN AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF  
15 SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL ISSUE A  
16 REGISTRATION TO THE APPLICANT. THE DIRECTOR MAY DENY  
17 REGISTRATION IF THE APPLICANT HAS COMMITTED AN ACT THAT WOULD  
18 BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-29.7-110.

19 (3)(a) AN APPLICANT FOR REGISTRATION BY ENDORSEMENT SHALL  
20 FILE AN APPLICATION AND PAY A FEE AS PRESCRIBED BY THE DIRECTOR  
21 AND SHALL HOLD A CURRENT, VALID LICENSE OR REGISTRATION IN A  
22 JURISDICTION THAT REQUIRES QUALIFICATIONS SUBSTANTIALLY  
23 EQUIVALENT TO THOSE REQUIRED FOR REGISTRATION BY SUBSECTION (1)  
24 OF THIS SECTION.

25 (b) AN APPLICANT FOR REGISTRATION SHALL SUBMIT, WITH THE  
26 APPLICATION, VERIFICATION THAT THE APPLICANT HAS ACTIVELY  
27 PRACTICED FOR A PERIOD OF TIME DETERMINED BY RULES OF THE



1 DIRECTOR OR HAS OTHERWISE MAINTAINED CONTINUED COMPETENCY AS  
2 DETERMINED BY THE DIRECTOR.

3 (c) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY PARAGRAPHS  
4 (a) AND (b) OF THIS SUBSECTION (3), THE DIRECTOR SHALL REVIEW THE  
5 APPLICATION AND MAKE A DETERMINATION OF THE APPLICANT'S  
6 QUALIFICATIONS TO BE REGISTERED BY ENDORSEMENT.

7 (d) THE DIRECTOR MAY DENY THE REGISTRATION IF THE  
8 APPLICANT HAS COMMITTED AN ACT THAT WOULD BE GROUNDS FOR  
9 DISCIPLINARY ACTION UNDER SECTION 12-29.7-110.

10 **12-29.7-108. Renewal of registration - fees.** (1) (a) A  
11 REGISTRANT SHALL RENEW THE REGISTRATION ISSUED PURSUANT TO THIS  
12 ARTICLE ACCORDING TO A SCHEDULE OF RENEWAL DATES ESTABLISHED BY  
13 THE DIRECTOR. THE REGISTRANT SHALL SUBMIT AN APPLICATION IN THE  
14 FORM AND MANNER DESIGNATED BY, AND SHALL PAY A RENEWAL FEE IN  
15 AN AMOUNT DETERMINED BY, THE DIRECTOR.

16 (b) REGISTRATIONS SHALL BE RENEWED OR REINSTATED IN  
17 ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND  
18 RENEWAL OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO SECTION  
19 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND  
20 DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION  
21 24-34-105, C.R.S. IF A REGISTRANT FAILS TO RENEW HIS OR HER  
22 REGISTRATION PURSUANT TO THE DIRECTOR'S SCHEDULE, THE  
23 REGISTRATION EXPIRES. A PERSON WHOSE REGISTRATION HAS EXPIRED IS  
24 SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION  
25 24-34-102 (8), C.R.S., FOR REINSTATEMENT.

26 (c) THE REGISTRANT SHALL SUBMIT ADDITIONAL INFORMATION  
27 THAT THE DIRECTOR REQUESTS, INCLUDING EVIDENCE THAT THE

1 REGISTRANT HAS MAINTAINED AND HOLDS A CURRENT, VALID  
2 CERTIFICATION FROM THE NATIONAL CERTIFYING AGENCY, TO FULLY AND  
3 FAIRLY EVALUATE THE APPLICANT'S QUALIFICATIONS FOR REGISTRATION  
4 RENEWAL AND TO PROTECT PUBLIC HEALTH AND SAFETY.

5 (2) ALL FEES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE  
6 DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS  
7 SET FORTH IN SECTION 24-34-105, C.R.S., AND PERIODICALLY ADJUSTED  
8 IN ACCORDANCE WITH SECTION 24-75-402, C.R.S.

9 **12-29.7-109. Scope of article - exclusions - authority for**  
10 **clinical setting.** (1) NOTHING IN THIS ARTICLE PROHIBITS:

11 (a) THE PRACTICE OF ATHLETIC TRAINING THAT IS AN INTEGRAL  
12 PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN AN  
13 ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM. STUDENTS  
14 ENROLLED IN AN ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM  
15 SHALL BE IDENTIFIED AS "ATHLETIC TRAINING STUDENTS" AND SHALL  
16 ONLY PRACTICE ATHLETIC TRAINING UNDER THE DIRECTION AND  
17 IMMEDIATE SUPERVISION OF AN ATHLETIC TRAINER CURRENTLY  
18 REGISTERED UNDER THIS ARTICLE. AN ATHLETIC TRAINING STUDENT  
19 SHALL NOT REPRESENT HIMSELF OR HERSELF AS AN ATHLETIC TRAINER.

20 (b) THE PRACTICE OF ATHLETIC TRAINING BY A PERSON WHO IS  
21 CERTIFIED BY A NATIONAL CERTIFYING AGENCY AND WHO IS EMPLOYED BY  
22 THE UNITED STATES GOVERNMENT OR ANY BUREAU, DIVISION, OR AGENCY  
23 OF THE FEDERAL GOVERNMENT WHILE ACTING IN THE COURSE AND SCOPE  
24 OF EMPLOYMENT;

25 (c) THE PRACTICE OF ATHLETIC TRAINING BY A PERSON WHO  
26 RESIDES IN ANOTHER STATE OR COUNTRY, IS CURRENTLY LICENSED OR  
27 REGISTERED IN ANOTHER STATE, OR IS CURRENTLY CERTIFIED BY A

1 NATIONAL CERTIFYING AGENCY, AND IS:

2 (I) ADMINISTERING ATHLETIC TRAINING SERVICES TO AN ATHLETE  
3 WHO IS A MEMBER OF A BONA FIDE PROFESSIONAL OR AMATEUR SPORTS  
4 ORGANIZATION OR OF A SPORTS TEAM OF AN ACCREDITED EDUCATIONAL  
5 INSTITUTION, IF THE PERSON ACTS IN ACCORDANCE WITH RULES  
6 ESTABLISHED BY THE DIRECTOR AND ENGAGES IN THE UNREGISTERED  
7 PRACTICE OF ATHLETIC TRAINING FOR NO MORE THAN NINETY DAYS IN ANY  
8 CALENDAR YEAR; OR

9 (II) PARTICIPATING IN AN EDUCATIONAL PROGRAM OF NOT MORE  
10 THAN TWELVE WEEKS' DURATION. UPON WRITTEN APPLICATION BY THE  
11 PERSON PRIOR TO THE EXPIRATION OF THE TWELVE-WEEK PERIOD, THE  
12 DIRECTOR MAY GRANT AN EXTENSION OF TIME.

13 (d) THE PRACTICE OF ANY HEALTH CARE PROFESSION, OTHER THAN  
14 ATHLETIC TRAINING, BY A PERSON LICENSED OR REGISTERED UNDER ANY  
15 OTHER ARTICLE OF THIS TITLE IN ACCORDANCE WITH THE LAWFUL SCOPE  
16 OF PRACTICE OF THE OTHER PROFESSION OR THE PERFORMANCE OF  
17 ACTIVITIES DESCRIBED IN SUBSECTION (2) OF THIS SECTION, IF THE PERSON  
18 DOES NOT REPRESENT HIMSELF OR HERSELF AS AN ATHLETIC TRAINER OR  
19 AS ENGAGING IN THE PRACTICE OF ATHLETIC TRAINING;

20 (e) ATHLETIC TRAINING BY A PATIENT FOR HIMSELF OR HERSELF OR  
21 GRATUITOUS ATHLETIC TRAINING BY A FRIEND OR FAMILY MEMBER WHO  
22 DOES NOT REPRESENT HIMSELF OR HERSELF AS AN ATHLETIC TRAINER.

23 (2) NOTHING IN THIS ARTICLE LIMITS OR PROHIBITS THE  
24 ADMINISTRATION OF ROUTINE ASSISTANCE OR FIRST AID BY A PERSON WHO  
25 IS NOT A REGISTERED ATHLETIC TRAINER FOR INJURIES OR ILLNESSES  
26 SUSTAINED AT AN ATHLETIC EVENT OR PROGRAM.

27 (3) NOTHING IN THIS ARTICLE REQUIRES AN ENTITY OFFERING OR

1 SPONSORING AN ATHLETIC EVENT OR REGULAR ATHLETIC ACTIVITY,  
2 INCLUDING A YOUTH SPORTS TEAM OR PROGRAM WHOSE PARTICIPANTS  
3 ARE EIGHTEEN YEARS OF AGE OR YOUNGER, TO EMPLOY A REGISTERED  
4 ATHLETIC TRAINER.

5 (4) (a) A SCHOOL COACH, ATHLETIC DIRECTOR, OR OTHER  
6 EMPLOYEE OR A PERSON CONTRACTED WITH A SCHOOL IS NOT ENGAGING  
7 IN THE PRACTICE OF ATHLETIC TRAINING WHEN HE OR SHE ENGAGES IN OR  
8 HOLDS RESPONSIBILITY FOR THE FOLLOWING ACTIVITIES IN THE COURSE OF  
9 HIS OR HER REGULARLY SCHEDULED DUTIES:

10 (I) PLANNING, ADMINISTERING, OR MODIFYING METHODS FOR  
11 PREVENTION AND RISK MANAGEMENT OF INJURIES AND ILLNESSES;

12 (II) ADMINISTERING ROUTINE ASSISTANCE FOR FIRST AID TO AN  
13 INJURED ATHLETE;

14 (III) DIRECTING CONDITIONING EXERCISES;

15 (IV) EDUCATING OR COUNSELING ATHLETES CONCERNING THE  
16 PREVENTION OF INJURIES AND ILLNESSES; OR

17 (V) REFERRING AN ATHLETE TO A LICENSED HEALTH CARE  
18 PROFESSIONAL.

19 (b) AS USED IN THIS SUBSECTION (4), "SCHOOL" MEANS A PUBLIC  
20 OR PRIVATE ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL.

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

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

4 **12-29.7-110. Grounds for discipline - disciplinary proceedings.**

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

10 (2) THE DIRECTOR MAY REVOKE, DENY, SUSPEND, OR REFUSE TO  
11 RENEW A REGISTRATION OR ISSUE A CEASE-AND-DESIST ORDER IN  
12 ACCORDANCE WITH THIS SECTION UPON REASONABLE GROUNDS THAT THE  
13 REGISTRANT:

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

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

20 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING  
21 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN  
22 TERMINATION OF TREATMENT. WHEN AN INDIVIDUAL RECEIVING SERVICES  
23 IS AN ATHLETE PARTICIPATING ON A SPORTS TEAM OPERATED UNDER THE  
24 AUSPICES OF A BONA FIDE AMATEUR SPORTS ORGANIZATION OR AN  
25 ACCREDITED EDUCATIONAL INSTITUTION THAT EMPLOYS THE REGISTRANT,  
26 THE THERAPEUTIC RELATIONSHIP EXISTS FROM THE TIME THE ATHLETE  
27 BECOMES AFFILIATED WITH THE TEAM UNTIL THE AFFILIATION ENDS OR

1 THE ATHLETIC TRAINER TERMINATES THE PROVISION OF ATHLETIC  
2 TRAINING SERVICES TO THE TEAM, WHICHEVER OCCURS FIRST.

3 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS  
4 ATTEMPTED TO OBTAIN OR HAS OBTAINED A REGISTRATION BY FRAUD,  
5 DECEPTION, OR MISREPRESENTATION;

6 (c) IS AN EXCESSIVE OR HABITUAL USER OR ABUSER OF ALCOHOL  
7 OR HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED  
8 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S., OR OTHER  
9 DRUGS HAVING SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE  
10 DISCRETION NOT TO DISCIPLINE THE REGISTRANT IF HE OR SHE IS  
11 PARTICIPATING IN GOOD FAITH IN A PROGRAM APPROVED BY THE DIRECTOR  
12 TO END THE USE OR ABUSE;

13 (d) (I) HAS FAILED TO NOTIFY THE DIRECTOR, AS REQUIRED BY  
14 SECTION 12-29.7-113, OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION  
15 THAT AFFECTS THE REGISTRANT'S ABILITY TO PROVIDE ATHLETIC TRAINING  
16 SERVICES WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER  
17 THE HEALTH OR SAFETY OF INDIVIDUALS RECEIVING ATHLETIC TRAINING  
18 SERVICES;

19 (II) HAS FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A  
20 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE  
21 REGISTRANT UNABLE TO PERFORM ATHLETIC TRAINING WITH REASONABLE  
22 SKILL AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF  
23 PERSONS UNDER HIS OR HER CARE; OR

24 (III) HAS FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO  
25 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION  
26 12-29.7-113;

27 (e) HAS HAD A REGISTRATION OR LICENSE SUSPENDED OR REVOKED

1 FOR ACTIONS THAT ARE A VIOLATION OF THIS ARTICLE;

2 (f) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO  
3 CONTENDERE TO A FELONY OR ANY CRIME DEFINED IN TITLE 18, C.R.S. A  
4 CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT  
5 JURISDICTION OF THE CONVICTION OR PLEA IS PRIMA FACIE EVIDENCE OF  
6 THE CONVICTION OR PLEA. IN CONSIDERING THE DISCIPLINARY ACTION,  
7 THE DIRECTOR IS GOVERNED BY SECTION 24-5-101, C.R.S.

8 (g) HAS PRACTICED ATHLETIC TRAINING WITHOUT A  
9 REGISTRATION;

10 (h) HAS FAILED TO NOTIFY THE DIRECTOR OF ANY DISCIPLINARY  
11 ACTION IN REGARD TO THE PERSON'S PAST OR CURRENTLY HELD LICENSE,  
12 CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE ATHLETIC  
13 TRAINING IN THIS STATE OR ANY OTHER JURISDICTION;

14 (i) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL  
15 EXAMINATION WHEN SO ORDERED BY THE DIRECTOR PURSUANT TO  
16 SECTION 12-29.7-112;

17 (j) HAS FAILED TO PRACTICE PURSUANT TO THE DIRECTION OF A  
18 COLORADO-LICENSED OR OTHERWISE LAWFULLY PRACTICING PHYSICIAN,  
19 DENTIST, OR HEALTH CARE PROFESSIONAL;

20 (k) HAS PRACTICED ATHLETIC TRAINING IN A MANNER THAT FAILS  
21 TO MEET GENERALLY ACCEPTED STANDARDS OF ATHLETIC TRAINING  
22 PRACTICE; OR

23 (l) HAS OTHERWISE VIOLATED ANY PROVISION OF THIS ARTICLE.

24 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
25 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE  
26 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER  
27 THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF

1 DISCIPLINARY SANCTIONS TO BE IMPOSED.

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

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

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

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

27 (b) (I) THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND



1 GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND  
2 PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

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

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

23 (c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE  
24 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT  
25 HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT THE FINDINGS  
26 TO THE DIRECTOR.

27 (7)(a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING

1 AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS  
2 TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY  
3 PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE IS  
4 IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR  
5 HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS  
6 DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF THE  
7 INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER  
8 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE  
9 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE  
10 REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS  
11 WARRANTED BY THE FACTS.

12 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A  
13 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE  
14 PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR  
15 CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE  
16 PARTICIPATION.

17 (8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL  
18 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106(11),  
19 C.R.S. THE DIRECTOR MAY INSTITUTE A JUDICIAL PROCEEDING IN  
20 ACCORDANCE WITH SECTION 24-4-106, C.R.S., TO ENFORCE THE  
21 DIRECTOR'S ORDER.

22 (9) AN EMPLOYER OF AN ATHLETIC TRAINER SHALL REPORT TO THE  
23 DIRECTOR ANY DISCIPLINARY ACTION TAKEN AGAINST THE ATHLETIC  
24 TRAINER OR THE RESIGNATION OF THE ATHLETIC TRAINER IN LIEU OF  
25 DISCIPLINARY ACTION FOR CONDUCT THAT VIOLATES THIS ARTICLE.

26 (10) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
27 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,

1 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE  
2 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR  
3 PROSECUTION.

4 **12-29.7-111. Cease-and-desist orders.** (1) (a) IF IT APPEARS TO  
5 THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A  
6 WRITTEN COMPLAINT BY ANY PERSON, THAT A REGISTRANT IS ACTING IN  
7 A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF  
8 THE PUBLIC OR THAT A PERSON IS ACTING OR HAS ACTED WITHOUT THE  
9 REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE  
10 AND DESIST THE ACTIVITY. THE DIRECTOR SHALL SET FORTH THE  
11 STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS  
12 ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT  
13 THAT ALL UNLAWFUL ACTS OR UNREGISTERED PRACTICES IMMEDIATELY  
14 CEASE.

15 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
16 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE  
17 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER  
18 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE OR RULES ADOPTED  
19 UNDER THIS ARTICLE HAVE OCCURRED. THE HEARING SHALL BE  
20 CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

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

1 THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

2 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY A PERSON AGAINST  
3 WHOM THE DIRECTOR HAS ISSUED AN ORDER TO SHOW CAUSE PURSUANT  
4 TO PARAGRAPH (a) OF THIS SUBSECTION (2) OF THE ISSUANCE OF THE  
5 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL  
6 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A  
7 HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE  
8 PERSON BY PERSONAL SERVICE, BY FIRST-CLASS, POSTAGE-PREPAID  
9 UNITED STATES MAIL, OR IN ANOTHER MANNER AS MAY BE PRACTICABLE.  
10 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT  
11 TO THIS PARAGRAPH (b) CONSTITUTES NOTICE OF THE ORDER TO THE  
12 PERSON.

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

23 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS  
24 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES  
25 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE  
26 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON  
27 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND OTHER

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

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

15 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET  
16 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL  
17 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE  
18 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON  
19 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER  
20 ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS  
21 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL  
22 REVIEW.

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

1 PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING  
2 GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE,  
3 THE DIRECTOR MAY ENTER INTO A STIPULATION WITH THE PERSON.

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

11 (5) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER  
12 MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF  
13 THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SECTION 12-29.7-110 (8).

14 **12-29.7-112. Mental or physical examination of registrants.**

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

27 (2) THE DIRECTOR SHALL INCLUDE IN AN ORDER REQUIRING A

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

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

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

21 **12-29.7-113. Confidential agreement to limit practice -**  
22 **violation grounds for discipline.** (1) IF A REGISTERED ATHLETIC  
23 TRAINER SUFFERS FROM A PHYSICAL OR MENTAL ILLNESS OR CONDITION  
24 THAT RENDERS THE REGISTRANT UNABLE TO PRACTICE ATHLETIC  
25 TRAINING WITH REASONABLE SKILL AND SAFETY TO PATIENTS, THE  
26 REGISTRANT SHALL NOTIFY THE DIRECTOR OF THE ILLNESS OR CONDITION  
27 IN A MANNER AND WITHIN A PERIOD OF TIME DETERMINED BY THE

1 DIRECTOR. THE DIRECTOR MAY REQUIRE THE REGISTRANT TO SUBMIT TO  
2 AN EXAMINATION TO EVALUATE THE EXTENT OF THE ILLNESS OR  
3 CONDITION AND ITS IMPACT ON THE REGISTRANT'S ABILITY TO PRACTICE  
4 WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

5 (2) (a) UPON DETERMINING THAT A REGISTRANT WITH A PHYSICAL  
6 OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED ATHLETIC  
7 TRAINING SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS,  
8 THE DIRECTOR MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE  
9 REGISTRANT IN WHICH THE REGISTRANT AGREES TO LIMIT HIS OR HER  
10 PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR  
11 CONDITION, AS DETERMINED BY THE DIRECTOR.

12 (b) THE AGREEMENT MUST SPECIFY THAT THE REGISTRANT IS  
13 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED  
14 APPROPRIATE BY THE DIRECTOR.

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

18 (d) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR  
19 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE  
20 REGISTRANT IS NOT ENGAGING IN ACTIVITIES THAT CONSTITUTE GROUNDS  
21 FOR DISCIPLINE UNDER SECTION 12-29.7-110. THE AGREEMENT IS AN  
22 ADMINISTRATIVE ACTION AND DOES NOT CONSTITUTE A RESTRICTION OR  
23 DISCIPLINE BY THE DIRECTOR. HOWEVER, IF THE REGISTRANT FAILS TO  
24 COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO  
25 THIS SECTION, THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY  
26 ACTION UNDER SECTION 12-29.7-110 (2) (d), AND THE REGISTRANT IS  
27 SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-29.7-110.



1 (3) THIS SECTION DOES NOT APPLY TO A REGISTRANT SUBJECT TO  
2 DISCIPLINE UNDER SECTION 12-29.7-110 (2) (c).

3 **12-29.7-114. Unauthorized practice - penalties.** A PERSON WHO  
4 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ATHLETIC TRAINING  
5 WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS  
6 A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN  
7 SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE. FOR THE SECOND OR  
8 ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 1  
9 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
10 18-1.3-501, C.R.S.

11 **12-29.7-115. Rule-making authority.** THE DIRECTOR SHALL  
12 PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION OF THIS  
13 ARTICLE.

14 **12-29.7-116. Severability.** IF ANY PROVISION OF THIS ARTICLE IS  
15 HELD TO BE INVALID, THE INVALIDITY DOES NOT AFFECT OTHER  
16 PROVISIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE  
17 INVALID PROVISION.

18 **12-29.7-117. Repeal of article - review of functions.** THIS  
19 ARTICLE IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021, AND THE POWERS,  
20 DUTIES, AND FUNCTIONS OF THE DIRECTOR SPECIFIED IN THIS ARTICLE ARE  
21 REPEALED ON THAT DATE. PRIOR TO THE REPEAL, THE DEPARTMENT OF  
22 REGULATORY AGENCIES SHALL REVIEW THE POWERS, DUTIES, AND  
23 FUNCTIONS OF THE DIRECTOR AS PROVIDED IN SECTION 24-34-104, C.R.S.

24 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**  
25 (46) (k); and **add** (52.5) (f) as follows:

26 **24-34-104. General assembly review of regulatory agencies**  
27 **and functions for termination, continuation, or**

1     **reestablishment.** (46) The following agencies, functions, or both shall  
2 terminate on July 1, 2015:

3             (k) ~~The regulation of athletic trainers by the director of the~~  
4 ~~division of professions and occupations in the department of regulatory~~  
5 ~~agencies in accordance with article 29.7 of title 12, C.R.S.;~~

6             (52.5) The following agencies, functions, or both, terminate on  
7 September 1, 2021:

8             (f) THE REGULATION OF ATHLETIC TRAINERS BY THE DIRECTOR OF  
9 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF  
10 REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 29.7 OF TITLE 12,  
11 C.R.S.

12             **SECTION 3. Effective date.** This act takes effect July 1, 2016.

13             **SECTION 4. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.