

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
1.8.15

DRAFT

LLS NO. 15-0191.01 Christy Chase x2008

SUNSET BILL

Sunset Process - Senate Business, Labor, and Technology Committee

BILL TOPIC: "Sunset Athletic Trainers Practice Act"
DEADLINES: Finalize by: 21 JAN 2015 File by: 23 JAN 2015

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF ATHLETIC**
102 **TRAINERS BY THE DEPARTMENT OF REGULATORY AGENCIES,**
103 **AND, IN CONNECTION THEREWITH, IMPLEMENTING THE**
104 **RECOMMENDATIONS OF THE 2014 SUNSET REPORT ISSUED BY**
105 **THE DEPARTMENT OF REGULATORY AGENCIES, WHICH INCLUDE**
106 **REPEALING THE "ATHLETIC TRAINER PRACTICE ACT" AND**
107 **RESTORING THE EXEMPTION IN THE "MEDICAL PRACTICE ACT"**
108 **FOR QUALIFIED ATHLETIC TRAINERS TO PROVIDE ATHLETIC**
109 **TRAINING SERVICES.**

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

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sunset Process - Senate Business, Labor, and Technology Committee. In accordance with the recommendations of the department of regulatory agencies (department) contained in its sunset review, the bill:

- Sunsets the "Athletic Trainer Practice Act" and the registration of athletic trainers by the department's division of professions and occupations;
- Creates an exemption in the "Medical Practice Act" that permits an athletic trainer to render athletic training services if the athletic trainer possesses the requisite qualifications and renders services within the defined athletic trainer scope of practice and under the direction of a licensed health care provider; and
- Grants the Colorado medical board authority to adopt rules to specify the types of services qualified athletic trainers may provide and the types of health care providers under whose direction qualified athletic trainers must work.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** article 29.7
3 of title 12.

4 **SECTION 2.** In Colorado Revised Statutes, 12-36-106, **amend**
5 (3) (s); and **add** (8) as follows:

6 **12-36-106. Practice of medicine defined - exemptions from**
7 **licensing requirements - unauthorized practice by physician**
8 **assistants and anesthesiologist assistants - penalties - definitions -**
9 **rules.** (3) A person may engage in, and shall not be required to obtain a
10 license or a physician training license under this article with respect to,
11 any of the following acts:

12 (s) The rendering of services by ~~an~~ A QUALIFIED athletic trainer
13 subject to the conditions and limitations ~~provided in article 29.7 of this~~
14 ~~title~~ SPECIFIED IN SUBSECTION (8) OF THIS SECTION AND APPLICABLE RULES

1 OF THE BOARD;

2 (8) (a) THE BOARD SHALL PROMULGATE RULES:

3 (I) SPECIFYING THE TYPES OF SERVICES THAT A QUALIFIED
4 ATHLETIC TRAINER MAY RENDER PURSUANT TO PARAGRAPH (s) OF
5 SUBSECTION (3) OF THIS SECTION;

6 (II) SPECIFYING THE LICENSED HEALTH CARE PROVIDERS UNDER
7 WHOSE DIRECTION A QUALIFIED ATHLETIC TRAINER MUST RENDER
8 SERVICES; AND

9 (III) REGARDING ANY OTHER MATTERS RELEVANT TO
10 IMPLEMENTING AND ENFORCING THE EXEMPTION AUTHORIZED IN
11 PARAGRAPH (s) OF SUBSECTION (3) OF THIS SECTION.

12 (b) IN ORDER TO QUALIFY FOR THE EXEMPTION ALLOWED IN
13 PARAGRAPH (s) OF SUBSECTION (3) OF THIS SECTION, A QUALIFIED
14 ATHLETIC TRAINER MUST RENDER THE SERVICES ONLY:

15 (I) WITHIN THE ATHLETIC TRAINER SCOPE OF PRACTICE; AND

16 (II) UNDER THE DIRECTION OF A LICENSED HEALTH CARE
17 PROVIDER, AS DEFINED IN BOARD RULES.

18 (c) NOTHING IN THIS SUBSECTION (8) CONFERS THE AUTHORITY TO
19 PRACTICE OR PRESENT ONESELF THROUGH ADVERTISEMENT OR BILLING AS
20 PROVIDING PHYSICAL THERAPY AS DEFINED IN SECTION 12-41-103.

21 (d) FOR PURPOSES OF THIS SUBSECTION (8):

22 (I) "ATHLETE" MEANS AN INDIVIDUAL WHO, IN ASSOCIATION WITH
23 AN EDUCATIONAL INSTITUTION, AN ORGANIZED COMMUNITY SPORTS
24 PROGRAM OR EVENT, OR A PROFESSIONAL, AMATEUR, OR RECREATIONAL
25 ORGANIZATION OR SPORTS CLUB, PARTICIPATES IN GAMES, SPORTS,
26 RECREATION, OR EXERCISE REQUIRING PHYSICAL STRENGTH, FLEXIBILITY,
27 RANGE OF MOTION, SPEED, STAMINA, OR AGILITY.

1 (II) "ATHLETIC TRAINER SCOPE OF PRACTICE" MEANS ANY OF THE
2 FOLLOWING FUNCTIONS PERFORMED BY A QUALIFIED ATHLETIC TRAINER:

3 (A) DEVELOPING AND IMPLEMENTING CONDITIONING PROGRAMS
4 FOR ATHLETES;

5 (B) PERFORMING STRENGTH TESTING USING MECHANICAL DEVICES
6 OR OTHER STANDARD TECHNIQUES;

7 (C) APPLYING TAPE, BRACES, AND PROTECTIVE DEVICES TO
8 PREVENT INJURY;

9 (D) SUPERVISING ATHLETIC EQUIPMENT MAINTENANCE TO ASSURE
10 SAFETY;

11 (E) ASSESSING, DURING A SCREENING PROCESS, PHYSICAL
12 LIMITATIONS, INCLUDING THOSE PREVIOUSLY DIAGNOSED BY A PHYSICIAN,
13 THAT MAY POSE A RISK OF INJURY TO AN ATHLETE;

14 (F) DETERMINING THE LEVEL OF FUNCTIONAL CAPACITY,
15 DECREASED RANGE OF MOTION, OR MUSCULAR WEAKNESS OF AN INJURED
16 ATHLETE IN ORDER TO ESTABLISH THE EXTENT OF AN INJURY;

17 (G) ADMINISTERING STANDARD TECHNIQUES OF FIRST AID;

18 (H) USING EMERGENCY CARE EQUIPMENT TO AID AN INJURED
19 ATHLETE BY FACILITATING SAFE TRANSPORTATION TO AN APPROPRIATE
20 MEDICAL FACILITY;

21 (I) REFERRING AN ATHLETE TO APPROPRIATE MEDICAL PERSONNEL
22 AS NEEDED;

23 (J) USING EXERCISE AND OTHER THERAPIES FOR WHICH THE
24 ATHLETIC TRAINER HAS RECEIVED FORMAL TRAINING, NOT INCLUDING
25 DRUGS, TO RESTORE AN INJURED ATHLETE TO NORMAL FUNCTION;

26 (K) MAINTAINING ATHLETIC TRAINING RECORDS;

27 (L) ORGANIZING A MEDICAL CARE SERVICE DELIVERY SYSTEM FOR

1 ATHLETES WHEN NEEDED;

2 (M) ESTABLISHING PLANS TO MANAGE AN ATHLETE'S MEDICAL
3 EMERGENCIES;

4 (N) EDUCATING AND COUNSELING ATHLETES ON TOPICS RELATED
5 TO SPORTS HEALTH;

6 (O) INSTRUCTING STUDENT ATHLETIC TRAINERS; AND

7 (P) EDUCATING AND COUNSELING THE GENERAL PUBLIC WITH
8 RESPECT TO APPROPRIATE ATHLETIC TRAINING PROGRAMS.

9 (III) "QUALIFIED ATHLETIC TRAINER" MEANS AN INDIVIDUAL:

10 (A) WHO HAS A BACCALAUREATE DEGREE GRANTED BY AN
11 ACCREDITED COLLEGE OR UNIVERSITY OR A COLLEGE OR UNIVERSITY
12 APPROVED BY THE STATE EDUCATIONAL BOARD OR DEPARTMENT IN
13 ANOTHER STATE, WHICH DEGREE IS IN A FIELD RELATED TO ATHLETIC
14 TRAINING AS DEFINED BY THE COLLEGE OR UNIVERSITY THAT GRANTED
15 THE DEGREE; OR

16 (B) WHO HAS A BACCALAUREATE DEGREE WITH A MAJOR IN
17 ATHLETIC TRAINING THAT WAS GRANTED THROUGH A COLLEGE OR
18 UNIVERSITY PROGRAM THAT IS ACCREDITED BY A NATIONAL ATHLETIC
19 TRAINING STANDARDS ORGANIZATION DESIGNATED BY THE BOARD.

20 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **repeal**
21 (46) (k) as follows:

22 **24-34-104. General assembly review of regulatory agencies**
23 **and functions for termination, continuation, or reestablishment.**

24 (46) The following agencies, functions, or both shall terminate on July
25 1, 2015:

26 (k) ~~The regulation of athletic trainers by the director of the~~
27 ~~division of professions and occupations in the department of regulatory~~

1 ~~agencies in accordance with article 29.7 of title 12, C.R.S.;~~

2 **SECTION 4.** In Colorado Revised Statutes, 24-34-110, **repeal** (3)

3 (a) (XXI); and **add** (3) (a.5) as follows:

4 **24-34-110. Medical transparency act of 2010 - disclosure of**
5 **information about health care licensees - fines - rules - short title -**

6 **legislative declaration.** (3) (a) As used in this section, "applicant" means
7 a person applying for a new, active license, certification, or registration
8 or to renew, reinstate, or reactivate an active license, certification, or
9 registration to practice:

10 ~~(XXI) Athletic training pursuant to article 29.7 of title 12, C.R.S.;~~

11 (a.5) "APPLICANT" INCLUDES AN ATHLETIC TRAINER WHO IS
12 QUALIFIED PURSUANT TO SECTION 12-36-106 (8), C.R.S., AND IS
13 AUTHORIZED TO RENDER SERVICES PURSUANT TO SECTION 12-36-106 (3)
14 (s), C.R.S.

15 **SECTION 5.** In Colorado Revised Statutes, 25-43-103, **amend**
16 (4) (c) as follows:

17 **25-43-103. Organized school athletic activities - concussion**
18 **guidelines required.** (4) (c) After a concussed athlete has been evaluated
19 and received clearance to return to play from a health care provider, an
20 organization or association of which a school or school district is a
21 member, a private or public school, a private club, a public recreation
22 facility, or an athletic league may allow a ~~registered~~ QUALIFIED athletic
23 trainer, AS DEFINED IN SECTION 12-36-106 (8) (d) (III), C.R.S., with
24 specific knowledge of the athlete's condition to manage the athlete's
25 graduated return to play.

26 **SECTION 6. Effective date.** This act takes effect July 1, 2015.

27 **SECTION 7. Safety clause.** The general assembly hereby finds,

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