

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0224.01 Christy Chase x2008

SENATE BILL 16-161

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Primavera,

Senate Committees

Business, Labor, & Technology

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.

the director's authority on July 1, 2015.

The bill reinstates the director's authority to regulate athletic trainers, requiring athletic trainers to obtain a registration from the director in order to practice athletic training in Colorado. The bill restores the "Athletic Trainer Practice Act", as it existed on June 30, 2015, with the following substantive changes:

- ! Deletes from the definition of what constitutes the practice of athletic training and moves to a provision specifying the requirements for engaging in the practice of athletic training in this state a requirement that an athletic trainer practice under the direction of a physician, dentist, or other licensed health care professional;
- ! Adds title protection for the abbreviation "A.T.C.", limiting its use to registered athletic trainers;
- ! Requires an applicant for an athletic trainer registration to provide evidence of current certification by the national certifying agency;
- ! Requires a registrant applying to renew his or her registration to submit, if requested by the director, evidence of current certification by the national certifying agency;
- ! With regard to exceptions to the requirements of the practice act, changes the term "student athletic trainer" to "athletic training student"; and
- ! Adds as grounds for discipline the failure of an athletic trainer to practice pursuant to the direction of a Colorado-licensed or otherwise lawfully practicing physician, dentist, or health care professional and the failure to practice in a manner that meets generally accepted standards of athletic training practice.

The bill repeals the regulation of athletic trainers on September 1, 2026, and requires the department of regulatory agencies, prior to the repeal, to conduct a sunset review of the regulation of athletic trainers.

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

2 **SECTION 1.** In Colorado Revised Statutes, **recreate and**
3 **reenact, with amendments,** article 29.7 of title 12 as follows:

4 **ARTICLE 29.7**

5 **Athletic Trainer Practice Act**

6 **12-29.7-101. Short title.** THE SHORT TITLE OF THIS ARTICLE IS THE
7 "ATHLETIC TRAINER PRACTICE ACT".

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 REGISTERED
7 PURSUANT TO ANY ARTICLE OF THIS TITLE OR OTHER LAWS OF THIS STATE
8 FROM PRACTICING WITHIN THE PERSON'S SCOPE OF PRACTICE AND
9 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 TO
2 EMPLOY A REGISTERED ATHLETIC TRAINER.

3 (4) A REGISTERED ATHLETIC TRAINER MAY PROVIDE ATHLETIC
4 TRAINING SERVICES IN A CLINICAL SETTING TO A PERSON WHO IS NOT AN
5 ATHLETE IF THE ATHLETIC TRAINER IS UNDER THE DIRECTION AND
6 SUPERVISION OF A COLORADO-LICENSED OR OTHERWISE LAWFULLY
7 PRACTICING PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL WHO
8 TREATS SPORTS OR MUSCULOSKELETAL INJURIES. AS USED IN THIS
9 SUBSECTION (4), "DIRECTION AND SUPERVISION" MEANS THE ISSUANCE OF
10 WRITTEN OR ORAL DIRECTIVES BY THE PHYSICIAN, DENTIST, OR LICENSED
11 HEALTH CARE PROFESSIONAL TO THE REGISTERED ATHLETIC TRAINER
12 PERTAINING TO THE ATHLETIC TRAINING SERVICES TO BE PROVIDED.

13 **12-29.7-110. Grounds for discipline - disciplinary proceedings.**

14 (1) THE DIRECTOR MAY TAKE DISCIPLINARY ACTION AGAINST A
15 REGISTRANT IF THE DIRECTOR FINDS THAT THE REGISTRANT HAS
16 REPRESENTED HIMSELF OR HERSELF AS A REGISTERED ATHLETIC TRAINER
17 AFTER THE EXPIRATION, SUSPENSION, OR REVOCATION OF HIS OR HER
18 REGISTRATION.

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

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

27 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,

1 OR SEXUAL PENETRATION AS DEFINED IN SECTION 18-3-401, C.R.S.

2 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING
3 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN
4 TERMINATION OF TREATMENT. WHEN AN INDIVIDUAL RECEIVING SERVICES
5 IS AN ATHLETE PARTICIPATING ON A SPORTS TEAM OPERATED UNDER THE
6 AUSPICES OF A BONA FIDE AMATEUR SPORTS ORGANIZATION OR AN
7 ACCREDITED EDUCATIONAL INSTITUTION THAT EMPLOYS THE REGISTRANT,
8 THE THERAPEUTIC RELATIONSHIP EXISTS FROM THE TIME THE ATHLETE
9 BECOMES AFFILIATED WITH THE TEAM UNTIL THE AFFILIATION ENDS OR
10 THE ATHLETIC TRAINER TERMINATES THE PROVISION OF ATHLETIC
11 TRAINING SERVICES TO THE TEAM, WHICHEVER OCCURS FIRST.

12 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS
13 ATTEMPTED TO OBTAIN OR HAS OBTAINED A REGISTRATION BY FRAUD,
14 DECEPTION, OR MISREPRESENTATION;

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

22 (d) (I) HAS FAILED TO NOTIFY THE DIRECTOR, AS REQUIRED BY
23 SECTION 12-29.7-113, OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION
24 THAT AFFECTS THE REGISTRANT'S ABILITY TO PROVIDE ATHLETIC TRAINING
25 SERVICES WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER
26 THE HEALTH OR SAFETY OF INDIVIDUALS RECEIVING ATHLETIC TRAINING
27 SERVICES;

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

6 (III) HAS FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO
7 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION
8 12-29.7-113;

9 (e) HAS HAD A REGISTRATION OR LICENSE SUSPENDED OR REVOKED
10 FOR ACTIONS THAT ARE A VIOLATION OF THIS ARTICLE;

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

17 (g) HAS PRACTICED ATHLETIC TRAINING WITHOUT A
18 REGISTRATION;

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

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

26 (j) HAS FAILED TO PRACTICE PURSUANT TO THE DIRECTION OF A
27 COLORADO-LICENSED OR OTHERWISE LAWFULLY PRACTICING PHYSICIAN,

1 DENTIST, OR HEALTH CARE PROFESSIONAL;

2 (k) HAS PRACTICED ATHLETIC TRAINING IN A MANNER THAT FAILS
3 TO MEET GENERALLY ACCEPTED STANDARDS OF ATHLETIC TRAINING
4 PRACTICE; OR

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

6 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
7 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE
8 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER
9 THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF
10 DISCIPLINARY SANCTIONS TO BE IMPOSED.

11 (4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO
12 DISCIPLINE A REGISTRANT WHEN THE DIRECTOR HAS REASONABLE
13 GROUNDS TO BELIEVE THAT THE REGISTRANT HAS COMMITTED AN ACT
14 ENUMERATED IN THIS SECTION.

15 (b) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE DIRECTOR
16 MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY
17 DISCIPLINARY ACTION TAKEN AGAINST A REGISTRANT IN ANOTHER
18 JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY
19 ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS FOR
20 DISCIPLINARY ACTION UNDER THIS ARTICLE.

21 (5) DISCIPLINARY PROCEEDINGS SHALL BE CONDUCTED IN
22 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND THE HEARING AND
23 OPPORTUNITY FOR REVIEW SHALL BE CONDUCTED PURSUANT TO THAT
24 ARTICLE BY THE DIRECTOR OR BY AN ADMINISTRATIVE LAW JUDGE, AT THE
25 DIRECTOR'S DISCRETION. THE DIRECTOR HAS THE AUTHORITY TO EXERCISE
26 ALL POWERS AND DUTIES CONFERRED BY THIS ARTICLE DURING THE
27 DISCIPLINARY PROCEEDINGS.

1 (6) (a) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO
2 SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO
3 ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS
4 ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS PARAGRAPH (a), THE
5 ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE
6 INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR
7 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED
8 VIOLATION OF THIS ARTICLE.

9 (b) (I) THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND
10 GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND
11 PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

12 (II) IN ORDER TO AID THE DIRECTOR IN ANY HEARING OR
13 INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR
14 AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c)
15 OF THIS SUBSECTION (6) MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF
16 WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF
17 WITNESSES AND THE PRODUCTION OF ALL RELEVANT RECORDS, PAPERS,
18 BOOKS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING,
19 INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR
20 OR AN ADMINISTRATIVE LAW JUDGE.

21 (III) UPON FAILURE OF ANY WITNESS OR REGISTRANT TO COMPLY
22 WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN
23 WHICH THE SUBPOENAED PERSON OR REGISTRANT RESIDES OR CONDUCTS
24 BUSINESS, UPON APPLICATION BY THE DIRECTOR WITH NOTICE TO THE
25 SUBPOENAED PERSON OR REGISTRANT, MAY ISSUE TO THE PERSON OR
26 REGISTRANT AN ORDER REQUIRING THE PERSON OR REGISTRANT TO
27 APPEAR BEFORE THE DIRECTOR; PRODUCE THE RELEVANT PAPERS, BOOKS,

1 RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS; OR GIVE EVIDENCE
2 TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. IF THE
3 PERSON OR REGISTRANT FAILS TO OBEY THE ORDER OF THE COURT, THE
4 PERSON OR REGISTRANT MAY BE HELD IN CONTEMPT OF COURT.

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

9 (7)(a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING
10 AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS
11 TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY
12 PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE IS
13 IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR
14 HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS
15 DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF THE
16 INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER
17 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE
18 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE
19 REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS
20 WARRANTED BY THE FACTS.

21 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A
22 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE
23 PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR
24 CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE
25 PARTICIPATION.

26 (8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL
27 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106(11),

1 C.R.S. THE DIRECTOR MAY INSTITUTE A JUDICIAL PROCEEDING IN
2 ACCORDANCE WITH SECTION 24-4-106, C.R.S., TO ENFORCE THE
3 DIRECTOR'S ORDER.

4 (9) AN EMPLOYER OF AN ATHLETIC TRAINER SHALL REPORT TO THE
5 DIRECTOR ANY DISCIPLINARY ACTION TAKEN AGAINST THE ATHLETIC
6 TRAINER OR THE RESIGNATION OF THE ATHLETIC TRAINER IN LIEU OF
7 DISCIPLINARY ACTION FOR CONDUCT THAT VIOLATES THIS ARTICLE.

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

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

24 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
25 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE
26 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
27 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE OR RULES ADOPTED

1 UNDER THIS ARTICLE HAVE OCCURRED. THE HEARING SHALL BE
2 CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

3 (2) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
4 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
5 A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE OR RULES
6 ADOPTED UNDER THIS ARTICLE, IN ADDITION TO ANY SPECIFIC POWERS
7 GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO THE
8 PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT
9 ISSUE A FINAL ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM
10 THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

11 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY A PERSON AGAINST
12 WHOM THE DIRECTOR HAS ISSUED AN ORDER TO SHOW CAUSE PURSUANT
13 TO PARAGRAPH (a) OF THIS SUBSECTION (2) OF THE ISSUANCE OF THE
14 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL
15 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
16 HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE
17 PERSON BY PERSONAL SERVICE, BY FIRST-CLASS, POSTAGE-PREPAID
18 UNITED STATES MAIL, OR IN ANOTHER MANNER AS MAY BE PRACTICABLE.
19 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT
20 TO THIS PARAGRAPH (b) CONSTITUTES NOTICE OF THE ORDER TO THE
21 PERSON.

22 (c) (I) THE DIRECTOR SHALL HOLD THE HEARING ON AN ORDER TO
23 SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE
24 CALENDAR DAYS AFTER THE DATE THE DIRECTOR TRANSMITTED OR
25 SERVED THE NOTICE AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION
26 (2). THE DIRECTOR MAY CONTINUE THE HEARING BY AGREEMENT OF ALL
27 PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF

1 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,
2 BUT IN NO EVENT SHALL THE DIRECTOR HOLD THE HEARING LATER THAN
3 SIXTY CALENDAR DAYS AFTER THE DATE THE NOTICE WAS TRANSMITTED
4 OR SERVED.

5 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
6 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES
7 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
8 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON
9 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND OTHER
10 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS
11 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS
12 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
13 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL
14 AS TO THAT PERSON BY OPERATION OF LAW. THE HEARING SHALL BE
15 CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

16 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
17 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
18 HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS OR IS ABOUT
19 TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS
20 ARTICLE OR RULES ADOPTED UNDER THIS ARTICLE, THE DIRECTOR MAY
21 ISSUE A FINAL CEASE-AND-DESIST ORDER, DIRECTING THE PERSON TO
22 CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNREGISTERED
23 PRACTICES.

24 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
25 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL
26 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
27 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON

1 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER
2 ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS
3 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL
4 REVIEW.

5 (3) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
6 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR
7 IS ABOUT TO ENGAGE IN AN UNREGISTERED ACT OR PRACTICE; AN ACT OR
8 PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE
9 PROMULGATED PURSUANT TO THIS ARTICLE, OR AN ORDER ISSUED
10 PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING
11 GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE,
12 THE DIRECTOR MAY ENTER INTO A STIPULATION WITH THE PERSON.

13 (4) IF ANY PERSON FAILS TO COMPLY WITH A FINAL
14 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
15 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
16 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,
17 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A
18 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
19 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

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

23 **12-29.7-112. Mental or physical examination of registrants.**

24 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
25 REGISTRANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND
26 SAFETY, THE DIRECTOR MAY ORDER THE REGISTRANT TO TAKE A MENTAL
27 OR PHYSICAL EXAMINATION ADMINISTERED BY A PHYSICIAN OR OTHER

1 LICENSED HEALTH CARE PROFESSIONAL DESIGNATED BY THE DIRECTOR.
2 UNLESS DUE TO CIRCUMSTANCES BEYOND THE REGISTRANT'S CONTROL, IF
3 THE REGISTRANT REFUSES TO UNDERGO A MENTAL OR PHYSICAL
4 EXAMINATION, THE DIRECTOR MAY SUSPEND THE PERSON'S REGISTRATION
5 UNTIL THE RESULTS OF THE EXAMINATION ARE KNOWN AND THE DIRECTOR
6 HAS MADE A DETERMINATION OF THE REGISTRANT'S FITNESS TO PRACTICE.
7 THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND
8 SHALL MAKE HIS OR HER DETERMINATION IN A TIMELY MANNER.

9 (2) THE DIRECTOR SHALL INCLUDE IN AN ORDER REQUIRING A
10 REGISTRANT TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION THE
11 BASIS OF THE DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE
12 REGISTRANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND
13 SAFETY. FOR PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED
14 UNDER THIS ARTICLE, THE REGISTRANT IS DEEMED TO HAVE WAIVED ALL
15 OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING PHYSICIAN'S OR
16 LICENSED HEALTH CARE PROFESSIONAL'S TESTIMONY OR EXAMINATION
17 REPORTS ON THE GROUND THAT THEY ARE PRIVILEGED COMMUNICATIONS.

18 (3) THE REGISTRANT MAY SUBMIT TO THE DIRECTOR TESTIMONY
19 OR EXAMINATION REPORTS FROM A PHYSICIAN CHOSEN BY THE
20 REGISTRANT AND PERTAINING TO ANY CONDITION THAT THE DIRECTOR HAS
21 ALLEGED MAY PRECLUDE THE REGISTRANT FROM PRACTICING WITH
22 REASONABLE SKILL AND SAFETY. THE TESTIMONY AND REPORTS
23 SUBMITTED BY THE REGISTRANT MAY BE CONSIDERED BY THE DIRECTOR
24 IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND
25 EXAMINATION REPORTS OF THE PHYSICIAN DESIGNATED BY THE DIRECTOR.

26 (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION
27 ORDERED BY THE DIRECTOR SHALL NOT BE USED AS EVIDENCE IN ANY

1 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR AND SHALL NOT BE
2 DEEMED A PUBLIC RECORD OR MADE AVAILABLE TO THE PUBLIC.

3 **12-29.7-113. Confidential agreement to limit practice -**
4 **violation grounds for discipline.** (1) IF A REGISTERED ATHLETIC
5 TRAINER SUFFERS FROM A PHYSICAL OR MENTAL ILLNESS OR CONDITION
6 THAT RENDERS THE REGISTRANT UNABLE TO PRACTICE ATHLETIC
7 TRAINING WITH REASONABLE SKILL AND SAFETY TO PATIENTS, THE
8 REGISTRANT SHALL NOTIFY THE DIRECTOR OF THE ILLNESS OR CONDITION
9 IN A MANNER AND WITHIN A PERIOD OF TIME DETERMINED BY THE
10 DIRECTOR. THE DIRECTOR MAY REQUIRE THE REGISTRANT TO SUBMIT TO
11 AN EXAMINATION TO EVALUATE THE EXTENT OF THE ILLNESS OR
12 CONDITION AND ITS IMPACT ON THE REGISTRANT'S ABILITY TO PRACTICE
13 WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

14 (2) (a) UPON DETERMINING THAT A REGISTRANT WITH A PHYSICAL
15 OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED ATHLETIC
16 TRAINING SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS,
17 THE DIRECTOR MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE
18 REGISTRANT IN WHICH THE REGISTRANT AGREES TO LIMIT HIS OR HER
19 PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR
20 CONDITION, AS DETERMINED BY THE DIRECTOR.

21 (b) THE AGREEMENT MUST SPECIFY THAT THE REGISTRANT IS
22 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED
23 APPROPRIATE BY THE DIRECTOR.

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

27 (d) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR

1 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE
2 REGISTRANT IS NOT ENGAGING IN ACTIVITIES THAT CONSTITUTE GROUNDS
3 FOR DISCIPLINE UNDER SECTION 12-29.7-110. THE AGREEMENT IS AN
4 ADMINISTRATIVE ACTION AND DOES NOT CONSTITUTE A RESTRICTION OR
5 DISCIPLINE BY THE DIRECTOR. HOWEVER, IF THE REGISTRANT FAILS TO
6 COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO
7 THIS SECTION, THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY
8 ACTION UNDER SECTION 12-29.7-110 (2) (d), AND THE REGISTRANT IS
9 SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-29.7-110.

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

12 **12-29.7-114. Unauthorized practice - penalties.** A PERSON WHO
13 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ATHLETIC TRAINING
14 WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS
15 A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN
16 SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE. FOR THE SECOND OR
17 ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 1
18 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
19 18-1.3-501, C.R.S.

20 **12-29.7-115. Rule-making authority.** THE DIRECTOR SHALL
21 PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION OF THIS
22 ARTICLE.

23 **12-29.7-116. Severability.** IF ANY PROVISION OF THIS ARTICLE IS
24 HELD TO BE INVALID, THE INVALIDITY DOES NOT AFFECT OTHER
25 PROVISIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE
26 INVALID PROVISION.

27 **12-29.7-117. Repeal of article - review of functions.** THIS

1 ARTICLE IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026, AND THE POWERS,
2 DUTIES, AND FUNCTIONS OF THE DIRECTOR SPECIFIED IN THIS ARTICLE ARE
3 REPEALED ON THAT DATE. PRIOR TO THE REPEAL, THE DEPARTMENT OF
4 REGULATORY AGENCIES SHALL REVIEW THE POWERS, DUTIES, AND
5 FUNCTIONS OF THE DIRECTOR AS PROVIDED IN SECTION 24-34-104, C.R.S.

6 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
7 (46) (k); and **add** (57) (d) as follows:

8 **24-34-104. General assembly review of regulatory agencies**
9 **and functions for termination, continuation, or**
10 **reestablishment.** (46) The following agencies, functions, or both shall
11 terminate on July 1, 2015:

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

15 (57) The following agencies, functions, or both, terminate on
16 September 1, 2026:

17 (d) THE REGULATION OF ATHLETIC TRAINERS BY THE DIRECTOR OF
18 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF
19 REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 29.7 OF TITLE 12,
20 C.R.S.

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

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