

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 18-0461.01 Kristen Forrestal x4217

**HOUSE BILL 18-1155**

**HOUSE SPONSORSHIP**

**Singer and Liston**, Catlin, Ginal, Hooton

**SENATE SPONSORSHIP**

**Martinez Humenik**,

**House Committees**

Public Health Care & Human Services  
Finance  
Appropriations

**Senate Committees**

Health & Human Services  
Finance

**A BILL FOR AN ACT**

101 **CONCERNING THE CONTINUATION OF THE PHYSICAL THERAPY BOARD,**  
102 **AND, IN CONNECTION THEREWITH, IMPLEMENTING THE**  
103 **RECOMMENDATIONS CONTAINED IN THE 2017 SUNSET REVIEW**  
104 **AND REPORT BY THE 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://leg.colorado.gov/>.)*

**Sunset Process - House Public Health Care and Human Services Committee.** The bill implements the recommendations of the department of regulatory agencies in its sunset review and report

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

HOUSE  
3rd Reading Unamended  
March 23, 2018

HOUSE  
Amended 2nd Reading  
March 22, 2018

concerning the "Physical Therapy Practice Act" as follows:

- ! Extends the licensing of physical therapists and the certification of physical therapist assistants until 2027 (**sections 1 through 3**);
- ! Clarifies that a physical therapist may make physical therapy diagnoses (**sections 5 and 7**);
- ! Clarifies that a physical therapist's scope of practice includes the direct supervision of unlicensed physical therapists (**section 8**); and
- ! Adds as grounds for disciplinary action the failure to supervise physical therapist assistants; and the failure to report an adverse action, the surrender of a license, or other discipline taken in another jurisdiction (**section 10**).

In addition, the bill:

- ! Allows a physical therapist assistant to perform noninvasive wound debridement under the supervision of a physical therapist (**sections 11 and 13**);
- ! Repeals some of elements of the continuing professional competency program for physical therapists (**section 9**) and subjects physical therapist assistants to a continuing professional competency program (**section 12**);
- ! Replaces a physical therapist member of the physical therapy board with a physical therapist assistant member (**section 6**); and
- ! Removes physical therapists practicing in Colorado pursuant to the "Interstate Physical Therapy Licensure Compact Act" from the "Michael Skolnik Medical Transparency Act of 2010" (**section 14**).

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

2           **SECTION 1.** In Colorado Revised Statutes, 12-41-130, **amend**  
3 (2); and **repeal** (1) as follows:

4           **12-41-130. Repeal of part. (1)** ~~This part 1 is repealed, effective~~  
5 ~~September 1, 2018.~~

6           (2) (a) ~~THIS PART 1 AND~~ the licensing functions of the board as set  
7 forth in this part 1 are ~~terminated September 1, 2018~~ **REPEALED,**  
8 **EFFECTIVE SEPTEMBER 1, 2024.**

9           (b) ~~Prior to such termination~~ **BEFORE THE REPEAL,** the licensing

1 functions ~~shall be reviewed as provided for in~~ OF THE BOARD ARE  
2 SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

3 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-41-221 as  
4 follows:

5 **12-41-221. Repeal of part.** This part 2 is repealed, effective  
6 ~~September 1, 2018. Prior to the~~ SEPTEMBER 1, 2024. BEFORE ITS repeal,  
7 the functions of the ~~board of~~ physical therapy BOARD in regulating  
8 physical therapist assistants under this part 2 ~~must be reviewed as~~  
9 ~~provided for in~~ ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH  
10 section 24-34-104. ~~C.R.S.~~

11 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **repeal**  
12 (15)(a)(II) and (15)(a)(III); and **add** (25)(a)(XVII) and (25)(a)(XVIII) as  
13 follows:

14 **24-34-104. General assembly review of regulatory agencies**  
15 **and functions for repeal, continuation, or reestablishment - legislative**  
16 **declaration - repeal.** (15) (a) The following agencies, functions, or both,  
17 will repeal on September 1, 2018:

18 (II) ~~The licensing of physical therapists by the physical therapy~~  
19 ~~board in accordance with article 41 of title 12, C.R.S.;~~

20 (III) ~~The certification of physical therapist assistants by the~~  
21 ~~physical therapy board in accordance with article 41 of title 12, C.R.S.;~~

22 (25) (a) The following agencies, functions, or both, are scheduled  
23 for repeal on September 1, 2024:

24 (XVII) THE LICENSING OF PHYSICAL THERAPISTS BY THE PHYSICAL  
25 THERAPY BOARD IN ACCORDANCE WITH PART 1 OF ARTICLE 41 OF TITLE 12;

26 (XVIII) THE CERTIFICATION OF PHYSICAL THERAPIST ASSISTANTS  
27 BY THE PHYSICAL THERAPY BOARD IN ACCORDANCE WITH PART 2 OF

1 ARTICLE 41 OF TITLE 12.

2 SECTION 4. In Colorado Revised Statutes, 12-41-102, **amend**  
3 (1) as follows:

4 12-41-102. **Legislative declaration.** (1) The general assembly  
5 hereby finds and declares that:

6 (a) The practice of physical therapy by any person who does not  
7 possess a valid license issued under ~~the provisions of this article~~ ARTICLE  
8 41 is inimical to the general public welfare. It is not, however, the intent  
9 of this ~~article~~ ARTICLE 41 to restrict the practice of any person duly  
10 licensed under other laws of this state from practicing within such  
11 person's scope of competency and authority under such laws.

12 (b) PHYSICAL THERAPY PRACTICE CONSISTS OF PATIENT AND  
13 CLIENT MANAGEMENT, WHICH INCLUDES PHYSICAL THERAPY DIAGNOSIS  
14 AND PROGNOSIS TO OPTIMIZE PHYSICAL FUNCTION, MOVEMENT,  
15 PERFORMANCE, HEALTH, QUALITY OF LIFE, AND WELL-BEING ACROSS THE  
16 LIFE-SPAN AND ALSO INCLUDES CONTRIBUTIONS TO PUBLIC HEALTH  
17 SERVICES AIMED AT IMPROVING THE HEALTH OF THE POPULATION; AND

18 (c) THE PROFESSIONAL SCOPE OF PHYSICAL THERAPY PRACTICE  
19 EVOLVES IN RESPONSE TO INNOVATION, RESEARCH, COLLABORATION, AND  
20 CHANGE IN SOCIETAL NEEDS.

21 SECTION 5. In Colorado Revised Statutes, 12-41-103, **amend**  
22 (6)(a)(I), (6)(b) introductory portion, and (6)(b)(II)(A) as follows:

23 12-41-103. **Definitions.** As used in this article 41, unless the  
24 context otherwise requires:

25 (6) (a) (I) "Physical therapy" means the examination, PHYSICAL  
26 THERAPY DIAGNOSIS, treatment, or instruction of patients and clients to  
27 detect, assess, prevent, correct, alleviate, or limit physical disability,

1 movement dysfunction, bodily malfunction, or pain from injury, disease,  
2 and other bodily conditions.

3 (b) For the purposes of ~~subparagraph (II) of paragraph (a) of this~~  
4 ~~subsection (6) (6)(a)(II) OF THIS SECTION:~~

5 (II) (A) "Physical measures, activities, and devices" includes ~~but~~  
6 ~~is not limited to~~, resistive, active, and passive exercise, with or without  
7 devices; joint mobilization; mechanical stimulation; biofeedback; DRY  
8 NEEDLING; postural drainage; traction; positioning; massage; splinting;  
9 training in locomotion; other functional activities, with or without  
10 assistive devices; and correction of posture, body mechanics, and gait.

11 **SECTION 6.** In Colorado Revised Statutes, 12-41-103.3, **amend**  
12 (1)(a) as follows:

13 **12-41-103.3. Physical therapy board - created.** (1)(a) The state  
14 physical therapy board is hereby created as the agency for regulation of  
15 the practice of physical therapy in this state and to carry out the purposes  
16 of this ~~article~~ ARTICLE 41. The board consists of: ~~five~~ FOUR physical  
17 therapist members; ONE PHYSICAL THERAPIST ASSISTANT, UNLESS A  
18 PHYSICAL THERAPIST ASSISTANT CANNOT BE FOUND, IN WHICH CASE THE  
19 GOVERNOR MAY APPOINT AN ADDITIONAL PHYSICAL THERAPIST TO THE  
20 BOARD; and two members from the public at large. Each member OF THE  
21 BOARD IS to be appointed by the governor ~~by no later than January 1,~~  
22 ~~2012~~, for terms of four years. A member shall not serve more than two  
23 consecutive terms of four years. The governor shall give due  
24 consideration to having a geographic, political, urban, and rural balance  
25 among the board members.

26 **SECTION 7.** In Colorado Revised Statutes, 12-41-105, **add** (2)  
27 as follows:

1           **12-41-105. Limitations on authority.** (2) NOTHING IN THIS  
2 SECTION PREVENTS A PHYSICAL THERAPIST FROM MAKING A PHYSICAL  
3 THERAPY DIAGNOSIS WITHIN THE PHYSICAL THERAPIST'S SCOPE OF  
4 PRACTICE.

5           **SECTION 8.** In Colorado Revised Statutes, 12-41-113, **add** (5)  
6 as follows:

7           **12-41-113. Special practice authorities and requirements -**  
8 **rules.** (5) **Dry needling.** A PHYSICAL THERAPIST IS AUTHORIZED TO  
9 PERFORM DRY NEEDLING IF THE PHYSICAL THERAPIST:

10           (a) (I) HAS THE KNOWLEDGE, SKILL, ABILITY, AND DOCUMENTED  
11 COMPETENCY TO PERFORM THE ACT;

12           (II) HAS SUCCESSFULLY COMPLETED A DRY NEEDLING COURSE OF  
13 STUDY THAT MEETS THE SUPERVISION, EDUCATIONAL, AND CLINICAL  
14 PREREQUISITES; AND

15           (III) OBTAINS ONE WRITTEN INFORMED CONSENT FROM EACH  
16 PATIENT FOR DRY NEEDLING, INCLUDING INFORMATION CONCERNING  
17 POTENTIAL BENEFITS AND RISKS OF DRY NEEDLING.

18           (b) THE BOARD SHALL PROMULGATE RULES TO UPDATE THE  
19 REQUIREMENTS FOR A PHYSICAL THERAPIST TO PERFORM DRY NEEDLING  
20 IN ORDER TO ENSURE ADEQUATE PROTECTION OF THE PUBLIC. PRIOR TO  
21 PROMULGATING THE INITIAL UPDATE OF THE RULE, THE BOARD SHALL SEEK  
22 INPUT FROM THE COLORADO MEDICAL BOARD AS CREATED IN SECTION  
23 12-36-103 (1) AND FROM THE DIRECTOR.

24           (c) THE PERFORMANCE OF DRY NEEDLING IN ACCORDANCE WITH  
25 THIS SECTION IS NOT THE PERFORMANCE OF ACUPUNCTURE AS DEFINED IN  
26 SECTION 12-29.5-102 AND IS NOT A VIOLATION OF SECTION 12-29.5-105.

27           **SECTION 9.** In Colorado Revised Statutes, 12-41-114, **amend**

1 (1) introductory portion and (1)(a) as follows:

2 **12-41-114. Scope of article - exclusions.** (1) Nothing contained  
3 in this ~~article~~ ARTICLE 41 prohibits:

4 (a) The practice of physical therapy by students enrolled in an  
5 accredited physical therapy or physical therapist assistant program and  
6 performing under the ~~direction and immediate~~ DIRECT supervision of a  
7 physical therapist currently licensed in this state;

8 **SECTION 10.** In Colorado Revised Statutes, 12-41-114.6,  
9 **amend** (1)(b) introductory portion and (1)(b)(III); and **add** (1)(e) as  
10 follows:

11 **12-41-114.6. Continuing professional competency - rules.**

12 (1) (b) The board shall adopt rules establishing a continuing professional  
13 competency program. ~~that includes, at a minimum,~~ THE RULES SHALL SET  
14 FORTH the following elements:

15 (III) Periodic demonstration of knowledge and skills through  
16 documentation of PROFESSIONAL DEVELOPMENT activities necessary to  
17 ensure at least minimal ability to safely practice the profession; except  
18 that a licensed physical therapist need not retake any examination  
19 required by section 12-41-107 for initial licensure.

20 (e) PROFESSIONAL DEVELOPMENT ACTIVITIES MUST BE MEASURED  
21 BY A CONTACT-HOUR-TO-CREDIT-HOUR RATIO.

22 **SECTION 11.** In Colorado Revised Statutes, 12-41-115, **amend**  
23 (1)(e); and **add** (1)(z) as follows:

24 **12-41-115. Grounds for disciplinary action.** (1) The board may  
25 take disciplinary action in accordance with section 12-41-116 against a  
26 person who has:

27 (e) Failed to provide adequate or proper supervision when

1 utilizing CERTIFIED PHYSICAL THERAPIST ASSISTANTS, unlicensed persons,  
2 or persons with a provisional license in a physical therapy practice;

3 (z) FAILED TO REPORT AN ADVERSE ACTION, THE SURRENDER OF  
4 A LICENSE, OR OTHER DISCIPLINE TAKEN IN ANOTHER JURISDICTION.

5 **SECTION 12.** In Colorado Revised Statutes, **add 12-41-208.5** as  
6 follows:

7 **12-41-208.5. Continuing professional competency - rules -**  
8 **definition.** (1) (a) A CERTIFIED PHYSICAL THERAPIST ASSISTANT SHALL  
9 MAINTAIN CONTINUING PROFESSIONAL COMPETENCY TO PRACTICE.

10 (b) THE BOARD SHALL ADOPT RULES ESTABLISHING A CONTINUING  
11 PROFESSIONAL COMPETENCY PROGRAM. THE RULES SHALL SET FORTH THE  
12 FOLLOWING ELEMENTS:

13 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A  
14 PHYSICAL THERAPIST ASSISTANT SEEKING TO RENEW OR REINSTATE A  
15 CERTIFICATION;

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

18 (III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS  
19 THROUGH DOCUMENTATION OF PROFESSIONAL DEVELOPMENT ACTIVITIES  
20 NECESSARY TO ENSURE AT LEAST MINIMAL ABILITY TO SAFELY PRACTICE  
21 THE PROFESSION; EXCEPT THAT A PHYSICAL THERAPIST ASSISTANT NEED  
22 NOT RETAKE ANY EXAMINATION REQUIRED BY SECTION 12-41-205 FOR  
23 INITIAL CERTIFICATION.

24 (c) THE BOARD SHALL ESTABLISH THAT A CERTIFIED PHYSICAL  
25 THERAPIST ASSISTANT SATISFIES THE CONTINUING COMPETENCY  
26 REQUIREMENTS OF THIS SECTION IF THE CERTIFIED PHYSICAL THERAPIST  
27 ASSISTANT MEETS THE CONTINUING PROFESSIONAL COMPETENCY



1 REQUIREMENTS OF ONE OF THE FOLLOWING ENTITIES:

2 (I) AN ACCREDITING BODY RECOGNIZED BY THE BOARD; OR

3 (II) AN ENTITY APPROVED BY THE BOARD.

4 (d) (I) AFTER THE PROGRAM IS ESTABLISHED, A PHYSICAL  
5 THERAPIST ASSISTANT SHALL SATISFY THE REQUIREMENTS OF THE  
6 PROGRAM IN ORDER TO RENEW OR REINSTATE A CERTIFICATION TO  
7 PRACTICE AS A CERTIFIED PHYSICAL THERAPY ASSISTANT.

8 (II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL  
9 CERTIFIED PHYSICAL THERAPIST ASSISTANTS, AND NOTHING IN THIS  
10 SECTION REQUIRES A PERSON WHO EMPLOYS OR CONTRACTS WITH A  
11 CERTIFIED PHYSICAL THERAPIST ASSISTANT TO COMPLY WITH THE  
12 REQUIREMENTS OF THIS SECTION.

13 (e) PROFESSIONAL DEVELOPMENT ACTIVITIES MUST BE MEASURED  
14 BY A CONTACT-HOUR-TO-CREDIT-HOUR RATIO.

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

24 (3) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL  
25 COMPETENCY" MEANS THE ONGOING ABILITY OF A CERTIFIED PHYSICAL  
26 THERAPIST ASSISTANT TO LEARN, INTEGRATE, AND APPLY THE  
27 KNOWLEDGE, SKILL, AND JUDGMENT TO PRACTICE AS A CERTIFIED

1     PHYSICAL THERAPIST ASSISTANT ACCORDING TO GENERALLY ACCEPTED  
2     STANDARDS AND PROFESSIONAL ETHICAL STANDARDS.

3             **SECTION 13.** In Colorado Revised Statutes, 12-41-209, **amend**  
4     (1)(d) and (1)(e); and **add** (1)(f) as follows:

5             **12-41-209. Scope of part 2 - exclusions.** (1) This part 2 does not  
6     prohibit:

7             (d) Practice as a physical therapist assistant in this state by a  
8     legally qualified physical therapist assistant from another state or country  
9     for the purpose of participating in an educational program of not more  
10    than sixteen weeks' duration; ~~or~~

11            (e) The practice of a physical therapist assistant licensed, certified,  
12    or registered in this or any other state or territory of the United States who  
13    is employed by the United States government or a bureau, division, or  
14    agency thereof while within the course and scope of the physical therapist  
15    assistant's duties; OR

16            (f) THE PERFORMANCE OF NONINVASIVE DEBRIDEMENT, SUCH AS  
17    AUTOLYTIC AND ENZYMATIC DEBRIDEMENT TREATMENT.

18            **SECTION 14.** In Colorado Revised Statutes, **add** 12-41-210.5 as  
19    follows:

20            **12-41-210.5. Continued professional competency - rules.** (1) A  
21    CERTIFIED PHYSICAL THERAPIST ASSISTANT SHALL MAINTAIN CONTINUING  
22    PROFESSIONAL COMPETENCY TO PRACTICE. CONTINUING PROFESSIONAL  
23    COMPETENCY INCLUDES A SELF-ASSESSMENT OF THE KNOWLEDGE AND  
24    SKILLS OF A PHYSICAL THERAPIST ASSISTANT SEEKING TO RENEW OR  
25    REINSTATE A CERTIFICATION AS SPECIFIED IN SUBSECTION (2) OF THIS  
26    SECTION.

27            (2) THE BOARD SHALL ADOPT RULES ESTABLISHING A CONTINUING

1 COMPETENCY PROGRAM THAT INCLUDES A SELF-ASSESSMENT OF THE  
2 KNOWLEDGE AND SKILLS OF A PHYSICAL THERAPIST ASSISTANT SEEKING  
3 TO RENEW OR REINSTATE A CERTIFICATION AND THE DEVELOPMENT,  
4 EXECUTION, AND DOCUMENTATION OF A LEARNING PLAN BASED ON THE  
5 ASSESSMENT.

6 **SECTION 15.** In Colorado Revised Statutes, 12-36-106, **amend**  
7 (3) introductory portion and (3)(r)(II) as follows:

8 **12-36-106. Practice of medicine defined - exemptions from**  
9 **licensing requirements - unauthorized practice by physician**  
10 **assistants and anesthesiologist assistants - penalties - rules - repeal.**

11 (3) A person may engage in, and shall not be required to obtain a license  
12 or a physician training license under this ~~article~~ ARTICLE 36 with respect  
13 to, any of the following acts:

14 (r) (II) The performance of wound debridement  under a  
15 physician's order within the scope of physical therapy practice as provided  
16 in section 12-41-113 (3) OR ~~THE PERFORMANCE OF NONINVASIVE WOUND~~  
17 ~~DEBRIDEMENT WITHIN THE SCOPE OF PRACTICE AS A PHYSICAL THERAPIST~~  
18 ASSISTANT AS PROVIDED IN SECTION 12-41-209 (1)(f);

19 **SECTION 16.** In Colorado Revised Statutes, 24-34-110, **amend**  
20 (3)(a)(XIII) as follows:

21 **24-34-110. Medical transparency act of 2010 - disclosure of**  
22 **information about health care licensees - fines - rules - short title -**  
23 **legislative declaration - repeal.** (3) (a) As used in this section,  
24 "applicant" means a person applying for a new, active license,  
25 certification, or registration or to renew, reinstate, or reactivate an active  
26 license, certification, or registration to practice:

27 (XIII) Physical therapy pursuant to article 41 of title 12; ~~or part 37~~

1 of article 60 of this title 24;

2           **SECTION 17. Act subject to petition - effective date.** This act  
3 takes effect September 1, 2018; except that, if a referendum petition is  
4 filed pursuant to section 1 (3) of article V of the state constitution against  
5 this act or an item, section, or part of this act within the ninety-day period  
6 after final adjournment of the general assembly, then the act, item,  
7 section, or part will not take effect unless approved by the people at the  
8 general election to be held in November 2018 and, in such case, will take  
9 effect on the date of the official declaration of the vote thereon by the  
10 governor.