

## CHAPTER 315

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**PROFESSIONS AND OCCUPATIONS**

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## HOUSE BILL 18-1155

BY REPRESENTATIVE(S) Singer and Liston, Catlin, Ginal, Hooton, Coleman, Weissman, Willett, Sias;  
also SENATOR(S) Martinez Humenik, Crowder, Kefalas, Kerr, Moreno, Priola, Tate, Todd.

**AN ACT**

**CONCERNING THE CONTINUATION OF THE PHYSICAL THERAPY BOARD, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2017 SUNSET REVIEW AND REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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

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

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 Repeal of part.** (1) ~~This part 1 is repealed, effective September 1, 2018.~~

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~~THIS PART 1 AND the licensing functions of the board as set forth in this part 1 are terminated September 1, 2018~~ REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

(b) ~~Prior to such termination~~ BEFORE THE REPEAL, the licensing functions ~~shall be reviewed as provided for in~~ OF THE BOARD ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

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

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 Repeal of part.** This part 2 is repealed, effective ~~September 1, 2018.~~ Prior to the SEPTEMBER 1, 2024.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

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

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal.**

(15) (a) The following agencies, functions, or both, will repeal on September 1, 2018:

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

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

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

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

(XIX) THE CERTIFICATION OF PHYSICAL THERAPIST ASSISTANTS BY THE PHYSICAL THERAPY BOARD IN ACCORDANCE WITH PART 2 OF ARTICLE 41 OF TITLE 12.

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

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

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

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

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

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

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

(6) (a) (I) "Physical therapy" means the examination, PHYSICAL THERAPY DIAGNOSIS, treatment, or instruction of patients and clients to detect, assess, prevent,

correct, alleviate, or limit physical disability, movement dysfunction, bodily malfunction, or pain from injury, disease, and other bodily conditions.

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

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

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

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

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

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

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

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

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

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

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

(b) THE BOARD SHALL PROMULGATE RULES TO UPDATE THE REQUIREMENTS FOR

A PHYSICAL THERAPIST TO PERFORM DRY NEEDLING IN ORDER TO ENSURE ADEQUATE PROTECTION OF THE PUBLIC. PRIOR TO PROMULGATING THE INITIAL UPDATE OF THE RULES, THE BOARD SHALL SEEK INPUT FROM THE COLORADO MEDICAL BOARD CREATED IN SECTION 12-36-103 (1) AND FROM THE DIRECTOR.

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

**SECTION 9.** In Colorado Revised Statutes, 12-41-114, **amend** (1) introductory portion and (1)(a) as follows:

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

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

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

**12-41-114.6. Continuing professional competency - rules.** (1) (b) The board shall adopt rules establishing a continuing professional competency program. ~~that includes, at a minimum;~~ THE RULES SHALL SET FORTH the following elements:

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

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

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

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

(e) Failed to provide adequate or proper supervision when utilizing CERTIFIED PHYSICAL THERAPIST ASSISTANTS, unlicensed persons, or persons with a provisional license in a physical therapy practice;

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

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

**12-41-208.5. Continuing professional competency - rules - definition.**

(1)(a) A CERTIFIED PHYSICAL THERAPIST ASSISTANT SHALL MAINTAIN CONTINUING PROFESSIONAL COMPETENCY TO PRACTICE.

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

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

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

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

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

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

(II) AN ENTITY APPROVED BY THE BOARD.

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

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

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

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

(3) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL COMPETENCY" MEANS THE ONGOING ABILITY OF A CERTIFIED PHYSICAL THERAPIST ASSISTANT TO LEARN,

INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT TO PRACTICE AS A CERTIFIED PHYSICAL THERAPIST ASSISTANT ACCORDING TO GENERALLY ACCEPTED STANDARDS AND PROFESSIONAL ETHICAL STANDARDS.

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

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

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

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

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

**SECTION 14.** In Colorado Revised Statutes, 12-36-106, **amend** (3) introductory portion and (3)(r)(II) as follows:

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

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

**SECTION 15.** In Colorado Revised Statutes, 24-34-110, **amend** (3)(a)(XIII) as follows:

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

(XIII) Physical therapy pursuant to article 41 of title 12; ~~or part 37 of article 60 of this title 24;~~

**SECTION 16. Act subject to petition - effective date.** This act takes effect September 1, 2018; except that, if a referendum petition is filed pursuant to section

1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 29, 2018