

CHAPTER 61

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 19-1083

BY REPRESENTATIVE(S) Hooton and Van Winkle, Bird, Buck, Buentello, Exum, Landgraf, Larson, Liston, McKean, Melton, Michaelson Jenet, Mullica, Soper, Titone, Arndt, Duran, Esgar, Galindo, Herod, Jaquez Lewis, Kipp, McLachlan, Sirota, Sullivan, Valdez A., Valdez D., Williams D., Wilson, Becker;
also SENATOR(S) Williams A. and Cooke, Ginal, Priola, Moreno.

AN ACT**CONCERNING A RECLASSIFICATION OF THE REGULATION OF ATHLETIC TRAINERS FROM REGISTRATION TO LICENSURE.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 12-29.7-102 as follows:

12-29.7-102. Legislative declaration. The general assembly hereby finds and declares that the practice of athletic training by a person who does not possess a valid ~~registration~~ LICENSE issued pursuant to this ~~article~~ ARTICLE 29.7 is not in the best interests of the people of the state of Colorado. It is not, however, the intent of this ~~article~~ ARTICLE 29.7 to restrict the practice of a person duly licensed, certified, or registered under any article of this ~~title~~ TITLE 12 or other laws of this state from practicing within the person's scope of practice and authority pursuant to those laws.

SECTION 2. In Colorado Revised Statutes, 12-29.7-103, **amend** the introductory portion and (4)(a) introductory portion; **repeal** (9); and **add** (7.5) as follows:

12-29.7-103. Definitions. As used in this ~~article~~ ARTICLE 29.7, unless the context otherwise requires:

(4) (a) "Athletic training" means the performance of those services that require the education, training, and experience required by this ~~article~~ ARTICLE 29.7 for ~~registration~~ LICENSURE as an athletic trainer pursuant to section 12-29.7-107. "Athletic training" includes services appropriate for the prevention, recognition, assessment, management, treatment, rehabilitation, and reconditioning of injuries

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

and illnesses sustained by an athlete:

(7.5) "LICENSEE" MEANS A PERSON LICENSED AS AN ATHLETIC TRAINER IN ACCORDANCE WITH THIS ARTICLE 29.7.

(9) ~~"Registrant" means an athletic trainer registered pursuant to this article.~~

SECTION 3. In Colorado Revised Statutes, **amend** 12-29.7-104 as follows:

12-29.7-104. Use of titles restricted. Only a person ~~registered~~ LICENSED as an athletic trainer may use the title "athletic trainer" or ~~"registered athletic trainer"~~; "LICENSED ATHLETIC TRAINER"; the letters "A.T." OR "A.T.C." AS A TITLE; or any other generally accepted terms, letters, or figures that indicate that the person is an athletic trainer.

SECTION 4. In Colorado Revised Statutes, 12-29.7-106, **amend** (1) introductory portion and (1)(a); and **add** (2) as follows:

12-29.7-106. License required - repeal. (1) Except as otherwise provided in this ~~article~~ ARTICLE 29.7, in order to practice athletic training or represent oneself as being able to practice athletic training in this state, a person must:

(a) Possess a valid ~~registration~~ LICENSE issued by the director in accordance with this ~~article~~ ARTICLE 29.7 and any rules adopted under this ~~article~~ ARTICLE 29.7; and

(2)(a) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), EACH ACTIVE ATHLETIC TRAINER REGISTRATION BECOMES AN ACTIVE ATHLETIC TRAINER LICENSE BY OPERATION OF LAW. THIS CONVERSION DOES NOT AFFECT ANY PRIOR DISCIPLINE, LIMITATION, OR CONDITION IMPOSED ON A LICENSEE; LIMIT THE DIRECTOR'S AUTHORITY OVER A LICENSEE; OR AFFECT A PENDING INVESTIGATION OR ADMINISTRATIVE PROCEEDING. THE DIRECTOR SHALL TREAT AN APPLICATION FOR AN ATHLETIC TRAINER REGISTRATION, PENDING AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AN APPLICATION FOR ATHLETIC TRAINER LICENSURE.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2024.

SECTION 5. In Colorado Revised Statutes, 12-29.7-107, **amend** (1) introductory portion, (1)(f), (2), and (3) as follows:

12-29.7-107. Requirements for license - license by endorsement - application - denial. (1) Every applicant for a ~~registration~~ LICENSE to practice athletic training must have:

(f) Submitted additional information as requested by the director to fully and fairly evaluate the applicant's qualifications for ~~registration~~ LICENSURE and to protect public health and safety.

(2) When an applicant has fulfilled the requirements of subsection (1) of this section, the director shall issue a ~~registration~~ LICENSE to the applicant. The director may deny ~~registration~~ LICENSURE if the applicant has committed an act that would be grounds for disciplinary action under section 12-29.7-110.

(3) (a) ~~An applicant for registration shall~~ AN APPLICANT MUST file an application and pay a fee as prescribed by the director and ~~shall~~ MUST hold a current, valid license or registration in a jurisdiction that requires qualifications substantially equivalent to those required for ~~registration~~ LICENSURE by subsection (1) of this section.

(b) TO BE LICENSED BY ENDORSEMENT, an applicant ~~for registration shall~~ MUST submit, with the application, verification that the applicant has actively practiced for a period of time determined by rules of the director or has otherwise maintained continued competency as determined by the director.

(c) Upon receipt of all documents required by ~~paragraphs (a) and (b) of this subsection (3)~~ SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION, the director shall review the application and make a determination of the applicant's qualifications to be ~~registered~~ LICENSED by endorsement.

(d) The director may deny ~~the registration~~ LICENSURE if the applicant has committed an act that would be grounds for disciplinary action under section 12-29.7-110.

SECTION 6. In Colorado Revised Statutes, 12-29.7-108, **amend** (1) as follows:

12-29.7-108. Renewal of license - fees. (1) (a) TO AVOID A LICENSE'S EXPIRATION, a ~~registrant shall~~ LICENSEE MUST renew the ~~registration~~ LICENSE issued pursuant to this ~~article~~ ARTICLE 29.7 according to a schedule of renewal dates established by the director. The ~~registrant shall~~ LICENSEE MUST submit an application in the form and manner designated by, and ~~shall~~ MUST pay a renewal fee in an amount determined by, the director.

(b) ~~Registrations shall~~ A LICENSE MUST be renewed or reinstated in accordance with the schedule established by the director, and renewal or reinstatement ~~shall~~ MUST be granted pursuant to section 24-34-102 (8). ~~C.R.S.~~ The director may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105. ~~C.R.S.~~ If a ~~registrant~~ LICENSEE fails to renew ~~his or her registration~~ THE LICENSE pursuant to the director's schedule, the ~~registration~~ LICENSE expires. A person whose ~~registration~~ LICENSE has expired is subject to the penalties provided in this ~~article~~ ARTICLE 29.7 or section 24-34-102 (8) ~~C.R.S.~~, for reinstatement.

(c) The ~~registrant~~ LICENSEE shall submit additional information that the director requests, including evidence that the ~~registrant~~ LICENSEE has maintained and holds a current, valid certification from the national certifying agency, to fully and fairly evaluate the applicant's qualifications for ~~registration~~ LICENSE renewal and to protect public health and safety.

SECTION 7. In Colorado Revised Statutes, 12-29.7-109, **amend** (1) introductory portion, (1)(a), (1)(c)(I), (2), (3), and (5) as follows:

12-29.7-109. Scope of article - exclusions - authority for clinical setting. (1) Nothing in this ~~article~~ ARTICLE 29.7 prohibits:

(a) The practice of athletic training that is an integral part of a program of study

by students enrolled in an accredited athletic training education program. Students enrolled in an accredited athletic training education program shall ~~be identified~~ IDENTIFY THEMSELVES as "athletic training students" and shall only practice athletic training under the direction and immediate supervision of ~~an athletic trainer currently registered under this article~~ A LICENSEE. An athletic training student shall not represent himself or herself as an athletic trainer.

(c) The practice of athletic training by a person who resides in another state or country, is currently licensed or registered in another state, or is currently certified by a national certifying agency, and is:

(1) Administering athletic training services to an athlete who is a member of a bona fide professional or amateur sports organization or of a sports team of an accredited educational institution, if the person acts in accordance with rules established by the director and engages in the ~~unregistered~~ UNLICENSED practice of athletic training for no more than ninety days in any calendar year; or

(2) Nothing in this ~~article~~ ARTICLE 29.7 limits or prohibits the administration of routine assistance or first aid by a person who is not a ~~registered athletic trainer~~ LICENSEE for injuries or illnesses sustained at an athletic event or program.

(3) Nothing in this ~~article~~ ARTICLE 29.7 requires an entity offering or sponsoring an athletic event or regular athletic activity, including a youth sports team or program whose participants are eighteen years of age or younger, to employ a ~~registered~~ LICENSED athletic trainer.

(5) A ~~registered athletic trainer~~ LICENSEE may provide athletic training services in a clinical setting to a person who is not an athlete if the athletic trainer is under the direction and supervision of a Colorado-licensed or otherwise lawfully practicing physician, dentist, or health care professional who treats sports or musculoskeletal injuries. As used in this subsection (5), "direction and supervision" means the issuance of written or oral directives by the physician, dentist, or licensed health care professional to the ~~registered athletic trainer~~ LICENSEE pertaining to the athletic training services to be provided.

SECTION 8. In Colorado Revised Statutes, 12-29.7-110, **amend** (1), (2) introductory portion, (2)(a) introductory portion, (2)(a)(II), (2)(b), (2)(c), (2)(d)(I), (2)(d)(II), (2)(g), (4), and (6)(b)(III) as follows:

12-29.7-110. Grounds for discipline - disciplinary proceedings - definitions.

(1) The director may take disciplinary action against a ~~registrant~~ LICENSEE if the director finds that the ~~registrant~~ LICENSEE has represented himself or herself as a ~~registered athletic trainer~~ LICENSEE after the expiration, suspension, or revocation of ~~his or her registration~~ THE LICENSE.

(2) The director may revoke, deny, suspend, or refuse to renew a ~~registration~~ LICENSE or issue a cease-and-desist order in accordance with this section upon reasonable grounds that the ~~registrant~~ LICENSEE:

(a) Has engaged in a sexual act with a person receiving services while a therapeutic relationship existed or within six months immediately following

termination of the therapeutic relationship. For the purposes of this ~~paragraph (a)~~ SUBSECTION (2)(a):

(II) "Therapeutic relationship" means the period beginning with the initial evaluation and ending upon the written termination of treatment. When an individual receiving services is an athlete participating on a sports team operated under the auspices of a bona fide amateur sports organization or an accredited educational institution that employs the ~~registrant~~ LICENSEE, the therapeutic relationship exists from the time the athlete becomes affiliated with the team until the affiliation ends or the athletic trainer terminates the provision of athletic training services to the team, whichever occurs first.

(b) Has falsified information in an application or has attempted to obtain or has obtained a ~~registration~~ LICENSE by fraud, deception, or misrepresentation;

(c) Has an alcohol use disorder, as defined in section 27-81-102, or a substance use disorder, as defined in section 27-82-102, or is an excessive or habitual user or abuser of alcohol or habit-forming drugs or is a habitual user of a controlled substance, as defined in section 18-18-102 (5), or other drugs having similar effects; except that the director has the discretion not to discipline the ~~registrant~~ LICENSEE if ~~he or she~~ THE LICENSEE is participating in good faith in an alcohol or substance use disorder treatment program approved by the director;

(d) (I) Has failed to notify the director, as required by section 12-29.7-113, of a physical illness; a physical condition; or a behavioral, mental health, or substance use disorder that affects the ~~registrant's~~ LICENSEE'S ability to provide athletic training services with reasonable skill and safety or that may endanger the health or safety of individuals receiving athletic training services;

(II) Has failed to act within the limitations created by a physical illness; a physical condition; or a behavioral, mental health, or substance use disorder that renders the ~~registrant~~ LICENSEE unable to perform athletic training with reasonable skill and safety or that may endanger the health or safety of persons under ~~his or her~~ THE LICENSEE'S care; or

(g) Has practiced athletic training without a ~~registration~~ LICENSE;

(4) (a) The director may commence a proceeding to discipline a ~~registrant~~ LICENSEE when the director has reasonable grounds to believe that the ~~registrant~~ LICENSEE has committed an act enumerated in this section.

(b) In any proceeding held under this section, the director may accept as evidence of grounds for disciplinary action any disciplinary action taken against a ~~registrant~~ LICENSEE in another jurisdiction if the violation that prompted the disciplinary action in the other jurisdiction would be grounds for disciplinary action under this ~~article~~ ARTICLE 29.7.

(6) (b) (III) Upon failure of any witness or ~~registrant~~ LICENSEE to comply with a subpoena or process, the district court of the county ~~in which~~ WHERE the subpoenaed person or ~~registrant~~ LICENSEE resides or conducts business, upon application by the director with notice to the subpoenaed person or ~~registrant~~

LICENSEE, may issue to the person or ~~registrant~~ LICENSEE an order requiring the person or ~~registrant~~ LICENSEE to appear before the director; produce the relevant papers, books, records, documentary evidence, or materials; or give evidence touching the matter under investigation or in question. If the person or ~~registrant~~ LICENSEE fails to obey the order of the court, the person or ~~registrant~~ LICENSEE may be held in contempt of court.

SECTION 9. In Colorado Revised Statutes, 12-29.7-111, **amend** (1)(a), (2)(a), (2)(c)(III), and (3) as follows:

12-29.7-111. Cease-and-desist orders. (1) (a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a ~~registrant~~ LICENSEE is acting in a manner that is an imminent threat to the health and safety of the public or that a person is acting or has acted without the required ~~registration~~ LICENSE, the director may issue an order to cease and desist the activity. The director shall set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or ~~unregistered~~ UNLICENSED practices immediately cease.

(2) (a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a person has violated any other portion of this ~~article~~ ARTICLE 29.7 or rules adopted under this ~~article~~ ARTICLE 29.7, in addition to any specific powers granted pursuant to this ~~article~~ ARTICLE 29.7, the director may issue to the person an order to show cause as to why the director should not issue a final order directing the person to cease and desist from the unlawful act or ~~unregistered~~ UNLICENSED practice.

(c) (III) If the director reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required ~~registration~~ LICENSE, or has or is about to engage in acts or practices constituting violations of this ~~article~~ ARTICLE 29.7 or rules adopted under this ~~article~~ ARTICLE 29.7, the director may issue a final cease-and-desist order, directing the person to cease and desist from further unlawful acts or ~~unregistered~~ UNLICENSED practices.

(3) If it appears to the director, based upon credible evidence presented to the director, that a person has engaged or is about to engage in an ~~unregistered~~ UNLICENSED act or practice; an act or practice constituting a violation of this ~~article~~; ARTICLE 29.7; a rule promulgated pursuant to this ~~article~~, or ARTICLE 29.7; an order issued pursuant to UNDER this ~~article~~ ARTICLE 29.7; or an act or practice constituting grounds for administrative sanction pursuant to this ~~article~~ ARTICLE 29.7, the director may enter into a stipulation with the person.

SECTION 10. In Colorado Revised Statutes, 12-29.7-112, **amend** (1), (2), and (3) as follows:

12-29.7-112. Mental or physical examination of licensees. (1) If the director has reasonable cause to believe that a ~~registrant~~ LICENSEE is unable to practice with reasonable skill and safety, the director may order the ~~registrant~~ LICENSEE to take a mental or physical examination administered by a physician or other licensed health care professional designated by the director. Unless due to circumstances beyond the ~~registrant's~~ LICENSEE'S control, if the ~~registrant~~ LICENSEE refuses to

undergo a mental or physical examination, the director may suspend the ~~person's registration~~ LICENSE OF A LICENSEE until the results of the examination are known and the director has made a determination of the ~~registrant's~~ LICENSEE'S fitness to practice. The director shall proceed with an order for examination and shall make ~~his or her~~ THE determination in a timely manner.

(2) The director shall include in an order requiring a ~~registrant~~ LICENSEE to undergo a mental or physical examination the basis of the director's reasonable cause to believe that the ~~registrant~~ LICENSEE is unable to practice with reasonable skill and safety. For purposes of a disciplinary proceeding authorized under this ~~article~~ ARTICLE 29.7, the ~~registrant~~ LICENSEE is deemed to have waived all objections to the admissibility of the examining physician's or licensed health care professional's testimony or examination reports on the ground that they are privileged communications.

(3) The ~~registrant~~ LICENSEE may submit to the director testimony or examination reports from a physician chosen by the ~~registrant~~ LICENSEE and pertaining to any condition that the director has alleged may preclude the ~~registrant~~ LICENSEE from practicing with reasonable skill and safety. The testimony and reports submitted by the ~~registrant~~ LICENSEE may be considered by the director in conjunction with, but not in lieu of, testimony and examination reports of the physician designated by the director.

SECTION 11. In Colorado Revised Statutes, 12-29.7-113, **amend** (1), (2)(a), (2)(b), (2)(d), and (3) as follows:

12-29.7-113. Confidential agreement to limit practice - violation grounds for discipline. (1) If a ~~registered athletic trainer~~ LICENSEE suffers from a physical illness, a physical condition, or a behavioral or mental health disorder that renders ~~him or her~~ THE LICENSEE unable to practice athletic training with reasonable skill and safety to patients, ~~he or she~~ THE LICENSEE shall notify the director of the physical illness, the physical condition, or the behavioral or mental health disorder in a manner and within a period of time determined by the director. The director may require the ~~registrant~~ LICENSEE to submit to an examination to evaluate the extent of the physical illness, the physical condition, or the behavioral or mental health disorder and its impact on the ~~registrant's~~ LICENSEE'S ability to practice with reasonable skill and safety to patients.

(2) (a) Upon determining that a ~~registrant~~ LICENSEE with a physical illness, a physical condition, or a behavioral or mental health disorder is able to render limited athletic training services with reasonable skill and safety to patients, the director may enter into a confidential agreement with the ~~registrant~~ LICENSEE in which the ~~registrant~~ LICENSEE agrees to ~~limit his or her~~ A LIMITED practice based on the restrictions imposed by the physical illness, the physical condition, or the behavioral or mental health disorder, as determined by the director.

(b) The agreement must specify that the ~~registrant~~ LICENSEE is subject to periodic reevaluations or monitoring as determined appropriate by the director.

(d) By entering into an agreement with the director pursuant to this section, ~~to limit his or her practice~~, the ~~registrant~~ LICENSEE is not engaging in activities that

constitute grounds for discipline under section 12-29.7-110. The agreement is an administrative action and does not constitute a restriction or discipline by the director. However, if the ~~registrant~~ LICENSEE fails to comply with the terms of an agreement entered into pursuant to this section, the failure constitutes grounds for disciplinary action under section 12-29.7-110 (2)(d), and the ~~registrant~~ LICENSEE is subject to discipline in accordance with section 12-29.7-110.

(3) This section does not apply to a ~~registrant~~ LICENSEE subject to discipline under section 12-29.7-110 (2)(c).

SECTION 12. In Colorado Revised Statutes, **amend** 12-29.7-114 as follows:

12-29.7-114. Unauthorized practice - penalties. A person who practices or offers or attempts to practice athletic training without an active ~~registration~~ LICENSE issued under this ~~article~~ ARTICLE 29.7 commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 ~~C.R.S.~~, for the first offense. For the second or any subsequent offense, the person commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501. ~~C.R.S.~~

SECTION 13. In Colorado Revised Statutes, 25-43-103, **amend** (4)(c) as follows:

25-43-103. Organized school athletic activities - concussion guidelines required. (4) (c) After a concussed athlete has been evaluated and received clearance to return to play from a health care provider, an organization or association of which a school or school district is a member, a private or public school, a private club, a public recreation facility, or an athletic league may allow a ~~registered~~ LICENSED athletic trainer with specific knowledge of the athlete's condition to manage the athlete's graduated return to play.

SECTION 14. In Colorado Revised Statutes, **amend as relocated by House Bill 19-1172** 12-205-102 as follows:

12-205-102. Legislative declaration. The general assembly hereby finds and declares that the practice of athletic training by a person who does not possess a valid ~~registration~~ LICENSE issued pursuant to this article 205 is not in the best interests of the people of the state of Colorado. It is not, however, the intent of this article 205 to restrict the practice of a person duly licensed, certified, or registered under any part or article of this title 12 or other laws of this state from practicing within the person's scope of practice and authority pursuant to those laws.

SECTION 15. In Colorado Revised Statutes, 12-205-104, **amend as relocated by House Bill 19-1172** (4)(a) introductory portion as follows:

12-205-104. Definitions. As used in this article 205, unless the context otherwise requires:

(4) (a) "Athletic training" means the performance of those services that require the education, training, and experience required by this article 205 for ~~registration~~ LICENSURE as an athletic trainer pursuant to section 12-205-108. "Athletic training" includes services appropriate for the prevention, recognition, assessment,

management, treatment, rehabilitation, and reconditioning of injuries and illnesses sustained by an athlete:

SECTION 16. In Colorado Revised Statutes, **amend as relocated by House Bill 19-1172** 12-205-105 as follows:

12-205-105. Use of titles restricted. Only a person ~~registered~~ LICENSED as an athletic trainer may use the title "athletic trainer" or "~~registered athletic trainer~~" "LICENSED ATHLETIC TRAINER", the letters "A.T." or "A.T.C." AS A TITLE, or any other generally accepted terms, letters, or figures that indicate that the person is an athletic trainer.

SECTION 17. In Colorado Revised Statutes, 12-205-107, **amend as relocated by House Bill 19-1172** (1)(a); and **relocate as added by Section 4 of House Bill 19-1083** (2) as follows:

12-205-107. License required - repeal. (1) Except as otherwise provided in this article 205, in order to practice athletic training or represent oneself as being able to practice athletic training in this state, a person must:

(a) Possess a valid ~~registration~~ LICENSE issued by the director in accordance with this article 205 and any rules adopted under this article 205; and

(2) (a) On August 2, 2019, each active athletic trainer registration becomes an active athletic trainer license by operation of law. This conversion does not affect any prior discipline, limitation, or condition imposed on a licensee; limit the director's authority over a licensee; or affect a pending investigation or administrative proceeding. The director shall treat an application for an athletic trainer registration, pending as of the effective date of this subsection (2), as an application for athletic trainer licensure.

(b) This subsection (2) is repealed, effective July 1, 2024.

SECTION 18. In Colorado Revised Statutes, 12-205-108, **amend as relocated by House Bill 19-1172** (1) introductory portion, (1)(f), (2), and (3) as follows:

12-205-108. Requirements for license - license by endorsement - application - denial. (1) Every applicant for a ~~registration~~ LICENSE to practice athletic training must have:

(f) Submitted additional information as requested by the director to fully and fairly evaluate the applicant's qualifications for ~~registration~~ LICENSURE and to protect public health and safety.

(2) When an applicant has fulfilled the requirements of subsection (1) of this section, the director shall issue a ~~registration~~ LICENSE to the applicant. The director may deny ~~registration~~ LICENSURE if the applicant has committed an act that would be grounds for disciplinary action under section 12-205-111.

(3) (a) ~~An applicant for registration~~ TO BE LICENSED by endorsement, ~~shall~~ AN APPLICANT MUST file an application and pay a fee as prescribed by the director and

~~shall~~ MUST hold a current, valid license or registration in a jurisdiction that requires qualifications substantially equivalent to those required for ~~registration~~ LICENSEURE by subsection (1) of this section.

(b) ~~TO BE LICENSED BY ENDORSEMENT~~, an applicant ~~for registration shall~~ MUST submit, with the application, verification that the applicant has actively practiced for a period of time determined by rules of the director or has otherwise maintained continued competency as determined by the director.

(c) Upon receipt of all documents required by subsections (3)(a) and (3)(b) of this section, the director shall review the application and make a determination of the applicant's qualifications to be ~~registered~~ LICENSED by endorsement.

(d) The director may deny ~~the registration~~ LICENSEURE if the applicant has committed an act that would be grounds for disciplinary action under section 12-205-111.

SECTION 19. In Colorado Revised Statutes, **amend as relocated by House Bill 19-1172** 12-205-109 as follows:

12-205-109. Renewal of license - fees. (1) To renew a ~~registration~~ LICENSE issued pursuant to this article 205, a ~~registrant shall~~ LICENSEE MUST submit an application in the form and manner designated by, and ~~shall~~ MUST pay a renewal fee in an amount determined by, the director.

(2) ~~Registrations~~ LICENSES issued pursuant to this article 205 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). A person whose ~~registration~~ LICENSE has expired is subject to the penalties provided in this article 205 or section 12-20-202 (1).

(3) The ~~registrant~~ LICENSEE shall submit additional information that the director requests, including evidence that the ~~registrant~~ LICENSEE has maintained and holds a current, valid certification from the national certifying agency, to fully and fairly evaluate the applicant's qualifications for ~~registration~~ LICENSE renewal and to protect public health and safety.

SECTION 20. In Colorado Revised Statutes, 12-205-110, **amend as relocated by House Bill 19-1172** (1)(a), (1)(c)(I), (2), (3), and (5) as follows:

12-205-110. Scope of article - exclusions - authority for clinical setting - definitions. (1) Nothing in this article 205 prohibits:

(a) The practice of athletic training that is an integral part of a program of study by students enrolled in an accredited athletic training education program. Students enrolled in an accredited athletic training education program shall ~~be identified~~ IDENTIFY THEMSELVES as "athletic training students" and shall only practice athletic training under the direction and immediate supervision of ~~an athletic trainer currently registered under this article 205~~ A LICENSEE. An athletic training student shall not represent himself or herself as an athletic trainer.

(c) The practice of athletic training by a person who resides in another state or

country, is currently licensed or registered in another state, or is currently certified by a national certifying agency, and is:

(1) Administering athletic training services to an athlete who is a member of a bona fide professional or amateur sports organization or of a sports team of an accredited educational institution, if the person acts in accordance with rules established by the director and engages in the ~~unregistered~~ UNLICENSED practice of athletic training for no more than ninety days in any calendar year; or

(2) Nothing in this article 205 limits or prohibits the administration of routine assistance or first aid by a person who is not a ~~registered athletic trainer~~ LICENSEE for injuries or illnesses sustained at an athletic event or program.

(3) Nothing in this article 205 requires an entity offering or sponsoring an athletic event or regular athletic activity, including a youth sports team or program whose participants are eighteen years of age or younger, to employ a ~~registered~~ LICENSED athletic trainer.

(5) A ~~registered athletic trainer~~ LICENSEE may provide athletic training services in a clinical setting to a person who is not an athlete if the athletic trainer is under the direction and supervision of a Colorado-licensed or otherwise lawfully practicing physician, dentist, or health care professional who treats sports or musculoskeletal injuries. As used in this subsection (5), "direction and supervision" means the issuance of written or oral directives by the physician, dentist, or licensed health care professional to the ~~registered athletic trainer~~ LICENSEE pertaining to the athletic training services to be provided.

SECTION 21. In Colorado Revised Statutes, 12-205-111, **amend as relocated by House Bill 19-1172** (1), (2) introductory portion, (2)(a)(II), (2)(b), (2)(c), (2)(d)(I), (2)(d)(II), (2)(g), and (4) as follows:

12-205-111. Grounds for discipline - disciplinary proceedings - definitions.

(1) The director may take disciplinary action against a ~~registrant~~ LICENSEE if the director finds that the ~~registrant~~ LICENSEE has represented himself or herself as a ~~registered athletic trainer~~ LICENSEE after the expiration, suspension, or revocation of his or her registration THE LICENSE.

(2) The director may take disciplinary or other action pursuant to IN ACCORDANCE WITH section 12-20-404 or issue a cease-and-desist order in accordance with section 12-205-112 upon reasonable grounds that the ~~registrant~~ LICENSEE:

(a) Has engaged in a sexual act with a person receiving services while a therapeutic relationship existed or within six months immediately following termination of the therapeutic relationship. For the purposes of this subsection (2)(a):

(II) "Therapeutic relationship" means the period beginning with the initial evaluation and ending upon the written termination of treatment. When an individual receiving services is an athlete participating on a sports team operated under the auspices of a bona fide amateur sports organization or an accredited educational institution that employs the ~~registrant~~ LICENSEE, the therapeutic

relationship exists from the time the athlete becomes affiliated with the team until the affiliation ends or the athletic trainer terminates the provision of athletic training services to the team, whichever occurs first.

(b) Has falsified information in an application or has attempted to obtain or has obtained a ~~registration~~ LICENSE by fraud, deception, or misrepresentation;

(c) Has an alcohol use disorder, as defined in section 27-81-102, or a substance use disorder, as defined in section 27-82-102, or is an excessive or habitual user or abuser of alcohol or habit-forming drugs or is a habitual user of a controlled substance, as defined in section 18-18-102 (5), or other drugs having similar effects; except that the director has the discretion not to discipline the ~~registrant~~ LICENSEE if ~~he or she~~ THE LICENSEE is participating in good faith in an alcohol or substance use disorder treatment program approved by the director;

(d) (I) Has failed to notify the director, as required by section 12-30-108 (1), of a physical illness, physical condition, or behavioral, mental health, or substance use disorder that affects the ~~registrant's~~ LICENSEE's ability to provide athletic training services with reasonable skill and safety or that may endanger the health or safety of individuals receiving athletic training services;

(II) Has failed to act within the limitations created by a physical illness, physical condition, or behavioral, mental health, or substance use disorder that renders the ~~registrant~~ LICENSEE unable to perform athletic training with reasonable skill and safety or that may endanger the health or safety of persons under ~~his or her~~ THE LICENSEE'S care; or

(g) Has practiced athletic training without a ~~registration~~ LICENSE;

(4) (a) The director may commence a proceeding to discipline a ~~registrant~~ LICENSEE when the director has reasonable grounds to believe that the ~~registrant~~ LICENSEE has committed an act enumerated in this section.

(b) In any proceeding held under this section, the director may accept as evidence of grounds for disciplinary action any disciplinary action taken against a ~~registrant~~ LICENSEE in another jurisdiction if the violation that prompted the disciplinary action in the other jurisdiction would be grounds for disciplinary action under this article 205.

SECTION 22. In Colorado Revised Statutes, 12-205-113, **amend as relocated by House Bill 19-1172** (1), (2), and (3) as follows:

12-205-113. Mental or physical examination of licensees. (1) If the director has reasonable cause to believe that a ~~registrant~~ LICENSEE is unable to practice with reasonable skill and safety, the director may order the ~~registrant~~ LICENSEE to take a mental or physical examination administered by a physician or other licensed health care professional designated by the director. Unless due to circumstances beyond the ~~registrant's~~ LICENSEE'S control, if the ~~registrant~~ LICENSEE refuses to undergo a mental or physical examination, the director may suspend the person's ~~registration~~ LICENSE until the results of the examination are known and the director has made a determination of the ~~registrant's~~ LICENSEE'S fitness to practice. The

director shall proceed with an order for examination and shall make ~~his or her~~ THE determination in a timely manner.

(2) The director shall include in an order requiring a ~~registrant~~ LICENSEE to undergo a mental or physical examination the basis of the director's reasonable cause to believe that the ~~registrant~~ LICENSEE is unable to practice with reasonable skill and safety. For purposes of a disciplinary proceeding authorized under this article 205, the ~~registrant~~ LICENSEE is deemed to have waived all objections to the admissibility of the examining physician's or licensed health care professional's testimony or examination reports on the ground that they are privileged communications.

(3) The ~~registrant~~ LICENSEE may submit to the director testimony or examination reports from a physician chosen by the ~~registrant~~ LICENSEE and pertaining to any condition that the director has alleged may preclude the ~~registrant~~ LICENSEE from practicing with reasonable skill and safety. The testimony and reports submitted by the ~~registrant~~ LICENSEE may be considered by the director in conjunction with, but not in lieu of, testimony and examination reports of the physician designated by the director.

SECTION 23. In Colorado Revised Statutes, 12-205-114, **amend as relocated by House Bill 19-1172** (2) as follows:

12-205-114. Confidential agreement to limit practice - violation grounds for discipline. (2) This section and section 12-30-108 do not apply to a ~~registrant~~ LICENSEE subject to discipline under section 12-205-111 (2)(c).

SECTION 24. In Colorado Revised Statutes, **amend as relocated by House Bill 19-1172** 12-205-115 as follows:

12-205-115. Unauthorized practice - penalties. A person who practices or offers or attempts to practice athletic training without an active ~~registration~~ LICENSE issued under this article 205 is subject to penalties pursuant to section 12-20-407 (1)(b).

SECTION 25. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 such period, 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Sections 14 through 24 of this act take effect only if House Bill 19-1172 becomes law, in which case sections 14 through 24 take effect October 1, 2019.

Approved: March 28, 2019