

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0437.01 Kristen Forrestal

**SENATE BILL 09-026**

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**SENATE SPONSORSHIP**

**Williams,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**  
Business, Labor and Technology

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REGULATION OF ATHLETIC TRAINERS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Creates the "Athletic Trainer Practice Act" (act). Requires an athletic trainer to obtain and possess a valid registration issued by the director of the division of registrations in the department of regulatory agencies (director) before engaging in the practice of athletic training or representing himself or herself as an athletic trainer. Specifies the criteria for registration. Allows the director to issue a registration by endorsement to an applicant who holds a current, valid license or registration in another jurisdiction. Authorizes the director to establish a schedule of renewal dates and requires renewal of the registrant in

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.*

accordance with that schedule. Allows the director to set fees for the issuance of a new, renewed, or reinstated registration.

Establishes exceptions to the applicability of the act to specified persons. Sets forth grounds for disciplinary actions by the director and the types of disciplinary actions that may be taken, including issuance of a letter of admonition, denial, refusal to renew, suspension, or revocation of a registration, placement of a registrant on probation, or issuance of a cease-and-desist order. Specifies the procedure for investigating and disciplining a registrant and for judicial review of a disciplinary action by the director.

Allows the director, under certain circumstances, to order a registrant to undergo a mental or physical examination to determine whether the registrant can practice athletic training with reasonable skill and safety. Sets forth conduct or actions that constitute a violation of the act and the criminal penalties for such conduct or actions.

Sunsetts the regulation of athletic trainers on July 1, 2015.

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

2 **SECTION 1.** Title 12, Colorado Revised Statutes, is amended BY  
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 29.7**

5 **Athletic Trainer Practice Act**

6 **12-29.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
7 MAY BE CITED AS THE "ATHLETIC TRAINER PRACTICE ACT".

8 **12-29.7-102. Legislative declaration.** THE GENERAL ASSEMBLY  
9 HEREBY FINDS AND DECLARES THAT THE PRACTICE OF ATHLETIC TRAINING  
10 BY A PERSON WHO DOES NOT POSSESS A VALID REGISTRATION ISSUED  
11 PURSUANT TO THIS ARTICLE IS NOT IN THE BEST INTERESTS OF THE PEOPLE  
12 OF THE STATE OF COLORADO. IT IS NOT, HOWEVER, THE INTENT OF THIS  
13 ARTICLE TO RESTRICT THE PRACTICE OF A PERSON DULY REGISTERED  
14 PURSUANT TO ANY ARTICLE OF THIS TITLE OR OTHER LAWS OF THIS STATE  
15 FROM PRACTICING WITHIN THE PERSON'S SCOPE OF PRACTICE AND  
16 AUTHORITY PURSUANT TO THOSE LAWS.

1           **12-29.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
2 CONTEXT OTHERWISE REQUIRES:

3           (1) "ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM"  
4 MEANS A PROGRAM OF INSTRUCTION IN ATHLETIC TRAINING THAT IS  
5 OFFERED BY AN INSTITUTION OF HIGHER EDUCATION AND ACCREDITED BY  
6 A NATIONAL, REGIONAL, OR STATE AGENCY RECOGNIZED BY THE UNITED  
7 STATES SECRETARY OF EDUCATION, OR ANOTHER PROGRAM ACCREDITED  
8 AND APPROVED BY THE DIRECTOR.

9           (2) "ATHLETE" MEANS A PERSON WHO, IN ASSOCIATION WITH AN  
10 EDUCATIONAL INSTITUTION, AN ORGANIZED COMMUNITY SPORTS  
11 PROGRAM OR EVENT, OR A PROFESSIONAL, AMATEUR, OR RECREATIONAL  
12 ORGANIZATION OR SPORTS CLUB, PARTICIPATES IN GAMES, SPORTS,  
13 RECREATION, OR EXERCISE REQUIRING PHYSICAL STRENGTH, FLEXIBILITY,  
14 RANGE OF MOTION, SPEED, STAMINA, OR AGILITY.

15           (3) "ATHLETIC TRAINER" MEANS A PERSON REGISTERED TO  
16 PRACTICE ATHLETIC TRAINING UNDER THIS ARTICLE.

17           (4) (a) "ATHLETIC TRAINING" MEANS THE PERFORMANCE,  
18 PURSUANT TO THE DIRECTION OF A LICENSED PHYSICIAN, DENTIST, OR  
19 HEALTH CARE PROFESSIONAL OF THOSE SERVICES THAT REQUIRE THE  
20 EDUCATION, TRAINING, AND EXPERIENCE REQUIRED BY THIS ARTICLE FOR  
21 REGISTRATION AS AN ATHLETIC TRAINER PURSUANT TO SECTION  
22 12-29.7-107. "ATHLETIC TRAINING" INCLUDES SERVICES APPROPRIATE  
23 FOR THE PREVENTION, RECOGNITION, ASSESSMENT, MANAGEMENT,  
24 TREATMENT, REHABILITATION, AND RECONDITIONING OF INJURIES AND  
25 ILLNESSES SUSTAINED BY AN ATHLETE:

26           (I) ENGAGED IN SPORTS, GAMES, RECREATION, OR EXERCISE  
27 REQUIRING PHYSICAL STRENGTH, FLEXIBILITY, RANGE OF MOTION, SPEED,

1 STAMINA, OR AGILITY; OR  
2 (II) THAT AFFECT AN ATHLETE'S PARTICIPATION OR PERFORMANCE  
3 IN SUCH SPORTS, GAMES, RECREATION, OR EXERCISE.  
4 (b) "ATHLETIC TRAINING" INCLUDES:  
5 (I) THE PLANNING, ADMINISTRATION, EVALUATION, AND  
6 MODIFICATION OF METHODS FOR PREVENTION AND RISK MANAGEMENT OF  
7 INJURIES AND ILLNESSES;  
8 (II) THE IDENTIFICATION AND APPROPRIATE CARE AND REFERRAL  
9 OF MEDICAL CONDITIONS AND DISABILITIES ASSOCIATED WITH ATHLETES;  
10 (III) THE RECOGNITION, ASSESSMENT, TREATMENT, MANAGEMENT,  
11 PREVENTION, REHABILITATION, RECONDITIONING, AND APPROPRIATE  
12 REFERRAL OF INJURIES AND ILLNESSES;  
13 (IV) THE USE OF THERAPEUTIC MODALITIES FOR WHICH THE  
14 ATHLETIC TRAINER HAS RECEIVED APPROPRIATE TRAINING AND  
15 EDUCATION;  
16 (V) THE USE OF CONDITIONING AND REHABILITATIVE EXERCISE;  
17 (VI) THE USE OF TOPICAL PHARMACOLOGICAL AGENTS, IN  
18 CONJUNCTION WITH THE ADMINISTRATION OF THERAPEUTIC MODALITIES  
19 AND PURSUANT TO PRESCRIPTIONS ISSUED IN ACCORDANCE WITH THE  
20 LAWS OF THIS STATE, FOR WHICH THE ATHLETIC TRAINER HAS RECEIVED  
21 APPROPRIATE TRAINING AND EDUCATION;  
22 (VII) THE EDUCATION AND COUNSELING OF ATHLETES  
23 CONCERNING THE PREVENTION AND CARE OF INJURIES AND ILLNESSES;  
24 (VIII) THE EDUCATION AND COUNSELING OF THE GENERAL PUBLIC  
25 WITH RESPECT TO ATHLETIC TRAINING SERVICES;  
26 (IX) THE REFERRAL OF AN ATHLETE RECEIVING ATHLETIC  
27 TRAINING SERVICES TO APPROPRIATE HEALTH CARE PERSONNEL AS

1       NEEDED; AND

2           (X)   THE PLANNING, ORGANIZATION, ADMINISTRATION, AND  
3       EVALUATION OF THE PRACTICE OF ATHLETIC TRAINING.

4           (c)   AS USED IN THIS SUBSECTION (4), "INJURIES AND ILLNESSES"  
5       INCLUDES THOSE CONDITIONS IN AN ATHLETE FOR WHICH ATHLETIC  
6       TRAINERS, AS THE RESULT OF THEIR EDUCATION, TRAINING, AND  
7       COMPETENCY, ARE QUALIFIED TO PROVIDE CARE.

8           (5)   "DIRECTION OF A PHYSICIAN, DENTIST, OR HEALTH CARE  
9       PROFESSIONAL" MEANS THE PLANNING OF SERVICES WITH A PHYSICIAN,  
10       DENTIST, OR HEALTH CARE PROFESSIONAL; THE DEVELOPMENT AND  
11       APPROVAL BY THE PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL  
12       OF PROCEDURES AND PROTOCOLS TO BE FOLLOWED IN THE EVENT OF AN  
13       INJURY OR ILLNESS; THE MUTUAL REVIEW OF THE PROTOCOLS ON A  
14       PERIODIC BASIS; AND THE APPROPRIATE CONSULTATION AND REFERRAL  
15       BETWEEN THE PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL AND  
16       THE ATHLETIC TRAINER.

17          (6)   "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF  
18       REGISTRATIONS OR HIS OR HER DESIGNEE.

19          (7)   "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE  
20       DEPARTMENT OF REGULATORY AGENCIES CREATED IN SECTION 24-34-102,  
21       C.R.S.

22          (8)   "NATIONAL CERTIFYING AGENCY" MEANS A NATIONALLY  
23       RECOGNIZED AGENCY THAT CERTIFIES THE COMPETENCY OF ATHLETIC  
24       TRAINERS THROUGH THE USE OF AN EXAMINATION.

25          (9)   "REGISTRANT" MEANS AN ATHLETIC TRAINER REGISTERED  
26       PURSUANT TO THIS ARTICLE.

27           **12-29.7-104. Use of titles restricted.**   ONLY A PERSON

1 REGISTERED AS AN ATHLETIC TRAINER MAY USE THE TITLE "ATHLETIC  
2 TRAINER" OR "REGISTERED ATHLETIC TRAINER", THE LETTERS "A.T.", OR  
3 ANY OTHER GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT  
4 INDICATE THAT THE PERSON IS AN ATHLETIC TRAINER.

5 **12-29.7-105. Limitations on authority.** (1) NOTHING IN THIS  
6 ARTICLE SHALL BE CONSTRUED TO AUTHORIZE AN ATHLETIC TRAINER TO  
7 PERFORM THE PRACTICE OF MEDICINE, AS DEFINED IN ARTICLE 36 OF THIS  
8 TITLE; PHYSICAL THERAPY, AS DEFINED IN ARTICLE 41 OF THIS TITLE;  
9 CHIROPRACTIC, AS DEFINED IN ARTICLE 33 OF THIS TITLE; OR ANY OTHER  
10 FORM OF HEALING EXCEPT AS AUTHORIZED BY THIS ARTICLE.

11 (2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO  
12 AUTHORIZE AN ATHLETIC TRAINER TO TREAT A DISEASE OR CONDITION  
13 THAT IS NOT RELATED TO A PERSON'S PARTICIPATION IN SPORTS, GAMES,  
14 RECREATION, OR EXERCISE, BUT THE ATHLETIC TRAINER SHALL TAKE SUCH  
15 DISEASE OR CONDITION INTO ACCOUNT IN PROVIDING ATHLETIC TRAINING  
16 SERVICES AND SHALL CONSULT WITH A PHYSICIAN AS APPROPRIATE  
17 REGARDING SUCH DISEASE OR CONDITION.

18 (3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT  
19 A PERSON FROM RECOMMENDING WEIGHT MANAGEMENT OR EXERCISE TO  
20 IMPROVE STRENGTH, CONDITIONING, FLEXIBILITY, AND CARDIOVASCULAR  
21 PERFORMANCE TO A PERSON IN NORMAL HEALTH AS LONG AS THE PERSON  
22 RECOMMENDING THE WEIGHT MANAGEMENT OR EXERCISE DOES NOT  
23 REPRESENT HIMSELF OR HERSELF AS AN ATHLETIC TRAINER AND THE  
24 PERSON DOES NOT ENGAGE IN ATHLETIC TRAINING AS DEFINED IN THIS  
25 ARTICLE.

26 **12-29.7-106. Registration required.** EXCEPT AS OTHERWISE  
27 PROVIDED IN THIS ARTICLE, A PERSON SHALL NOT PRACTICE ATHLETIC

1 TRAINING OR REPRESENT HIMSELF OR HERSELF AS BEING ABLE TO  
2 PRACTICE ATHLETIC TRAINING IN THIS STATE WITHOUT POSSESSING A  
3 VALID REGISTRATION ISSUED BY THE DIRECTOR IN ACCORDANCE WITH THIS  
4 ARTICLE AND ANY RULES ADOPTED UNDER THIS ARTICLE.

5 **12-29.7-107. Requirements for registration - registration by**  
6 **endorsement - denial - renewal - fees.** (1) EVERY APPLICANT FOR A  
7 REGISTRATION TO PRACTICE ATHLETIC TRAINING SHALL HAVE:

8 (a) EARNED A BACCALAUREATE DEGREE FROM AN ACCREDITED  
9 COLLEGE OR UNIVERSITY;

10 (b) SUCCESSFULLY COMPLETED AN ACCREDITED ATHLETIC  
11 TRAINING EDUCATION PROGRAM;

12 (c) (I) PASSED A COMPETENCY EXAMINATION ADMINISTERED BY  
13 A NATIONAL CERTIFYING AGENCY THAT HAS BEEN APPROVED BY THE  
14 DIRECTOR AND PROVIDED EVIDENCE OF CERTIFICATION WITHIN THE PAST  
15 THREE YEARS BY THE AGENCY; OR

16 (II) PASSED A COMPETENCY EXAMINATION DEVELOPED AND  
17 ADMINISTERED BY THE DIRECTOR;

18 (d) SUBMITTED AN APPLICATION IN THE FORM AND MANNER  
19 DESIGNATED BY THE DIRECTOR;

20 (e) PAID A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR; AND

21 (f) SUBMITTED ADDITIONAL INFORMATION AS REQUESTED BY THE  
22 DIRECTOR TO FULLY AND FAIRLY EVALUATE THE APPLICANT'S  
23 QUALIFICATIONS FOR REGISTRATION AND TO PROTECT THE PUBLIC HEALTH  
24 AND SAFETY.

25 (2) WHEN AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF  
26 SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL ISSUE A  
27 REGISTRATION TO THE APPLICANT. THE DIRECTOR MAY DENY

1 REGISTRATION IF THE APPLICANT HAS COMMITTED AN ACT THAT WOULD  
2 BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-29.7-109.

3 (3) (a) AN APPLICANT FOR REGISTRATION BY ENDORSEMENT SHALL  
4 FILE AN APPLICATION AND PAY A FEE AS PRESCRIBED BY THE DIRECTOR  
5 AND SHALL HOLD A CURRENT, VALID LICENSE OR REGISTRATION IN A  
6 JURISDICTION THAT REQUIRES QUALIFICATIONS SUBSTANTIALLY  
7 EQUIVALENT TO THOSE REQUIRED FOR REGISTRATION BY SUBSECTION (1)  
8 OF THIS SECTION.

9 (b) AN APPLICANT FOR REGISTRATION SHALL SUBMIT WITH THE  
10 APPLICATION VERIFICATION THAT THE APPLICANT HAS ACTIVELY  
11 PRACTICED FOR A PERIOD OF TIME DETERMINED BY RULES OF THE  
12 DIRECTOR OR HAS OTHERWISE MAINTAINED CONTINUED COMPETENCY AS  
13 DETERMINED BY THE DIRECTOR.

14 (c) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY PARAGRAPHS  
15 (a) AND (b) OF THIS SUBSECTION (3), THE DIRECTOR SHALL REVIEW THE  
16 APPLICATION AND MAKE A DETERMINATION OF THE APPLICANT'S  
17 QUALIFICATION TO BE REGISTERED BY ENDORSEMENT.

18 (d) THE DIRECTOR MAY DENY THE REGISTRATION IF THE  
19 APPLICANT HAS COMMITTED AN ACT THAT WOULD BE GROUNDS FOR  
20 DISCIPLINARY ACTION UNDER SECTION 12-29.7-109.

21 (4) (a) A REGISTRANT SHALL BE REQUIRED TO RENEW THE  
22 REGISTRATION ISSUED PURSUANT TO THIS ARTICLE ACCORDING TO A  
23 SCHEDULE OF RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE  
24 REGISTRANT SHALL SUBMIT AN APPLICATION IN THE FORM AND MANNER  
25 DESIGNATED BY THE DIRECTOR AND SHALL PAY A RENEWAL FEE IN AN  
26 AMOUNT DETERMINED BY THE DIRECTOR.

27 (b) REGISTRATIONS SHALL BE RENEWED OR REINSTATED IN

1 ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND  
2 SUCH RENEWAL OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO  
3 SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL  
4 FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION  
5 24-34-105, C.R.S. IF A REGISTRANT FAILS TO RENEW HIS OR HER  
6 REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE  
7 DIRECTOR, THE REGISTRATION SHALL EXPIRE. A PERSON WHOSE  
8 REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES  
9 PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S., FOR  
10 REINSTATEMENT.

11 (c) THE REGISTRANT SHALL SUBMIT ADDITIONAL INFORMATION AS  
12 MAY BE REQUESTED BY THE DIRECTOR TO FULLY AND FAIRLY EVALUATE  
13 THE APPLICANT'S QUALIFICATIONS FOR REGISTRATION AND TO PROTECT  
14 THE PUBLIC HEALTH AND SAFETY.

15 (5) ALL FEES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE  
16 DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS  
17 SET FORTH IN SECTION 24-34-105, C.R.S., AND PERIODICALLY ADJUSTED  
18 IN ACCORDANCE WITH SECTION 24-75-402, C.R.S.

19 **12-29.7-108. Scope of article - exclusions - authority for**  
20 **clinical setting.** (1) NOTHING CONTAINED IN THIS ARTICLE SHALL  
21 PROHIBIT:

22 (a) THE PRACTICE OF ATHLETIC TRAINING THAT IS AN INTEGRAL  
23 PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN AN  
24 ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM. STUDENTS  
25 ENROLLED IN AN ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM  
26 SHALL BE IDENTIFIED AS "STUDENT ATHLETIC TRAINERS" AND SHALL ONLY  
27 PRACTICE ATHLETIC TRAINING UNDER THE DIRECTION AND IMMEDIATE

1 SUPERVISION OF AN ATHLETIC TRAINER CURRENTLY REGISTERED UNDER  
2 THIS ARTICLE. A STUDENT ATHLETIC TRAINER SHALL NOT HOLD HIMSELF  
3 OR HERSELF OUT AS AN ATHLETIC TRAINER.

4 (b) THE PRACTICE OF ATHLETIC TRAINING BY A PERSON WHO IS  
5 CERTIFIED BY A NATIONAL CERTIFYING AGENCY AND WHO IS EMPLOYED BY  
6 THE UNITED STATES GOVERNMENT OR ANY BUREAU, DIVISION, OR AGENCY  
7 OF THE FEDERAL GOVERNMENT WHILE ACTING IN THE COURSE AND SCOPE  
8 OF SUCH EMPLOYMENT;

9 (c) THE PRACTICE OF ATHLETIC TRAINING BY A PERSON WHO  
10 RESIDES IN ANOTHER STATE OR COUNTRY, IS CURRENTLY LICENSED OR  
11 REGISTERED IN ANOTHER STATE, OR IS CURRENTLY CERTIFIED BY A  
12 NATIONAL CERTIFYING AGENCY, AND IS:

13 (I) ADMINISTERING ATHLETIC TRAINING SERVICES TO AN ATHLETE  
14 WHO IS A MEMBER OF A BONA FIDE PROFESSIONAL OR AMATEUR SPORTS  
15 ORGANIZATION OR TO AN ATHLETE WHO IS A MEMBER OF A SPORTS TEAM  
16 OF AN ACCREDITED EDUCATIONAL INSTITUTION, IF THE PERSON ACTS IN  
17 ACCORDANCE WITH RULES ESTABLISHED BY THE DIRECTOR AND ENGAGES  
18 IN THE UNREGISTERED PRACTICE OF ATHLETIC TRAINING FOR NO MORE  
19 THAN NINETY DAYS IN ANY CALENDAR YEAR; OR

20 (II) PARTICIPATING IN AN EDUCATIONAL PROGRAM OF NOT MORE  
21 THAN TWELVE WEEKS' DURATION. UPON WRITTEN APPLICATION BY THE  
22 PERSON PRIOR TO THE EXPIRATION OF SUCH TWELVE-WEEK PERIOD, THE  
23 DIRECTOR MAY GRANT AN EXTENSION OF TIME.

24 (d) THE PRACTICE OF ANY HEALTH CARE PROFESSION OTHER THAN  
25 ATHLETIC TRAINING BY A PERSON LICENSED OR REGISTERED UNDER ANY  
26 OTHER ARTICLE OF THIS TITLE IN ACCORDANCE WITH THE LAWFUL SCOPE  
27 OF PRACTICE OF THE OTHER PROFESSION OR THE PERFORMANCE OF

1 ACTIVITIES DESCRIBED IN SUBSECTION (2) OF THIS SECTION, IF THE PERSON  
2 DOES NOT HOLD HIMSELF OR HERSELF OUT AS AN ATHLETIC TRAINER OR AS  
3 ENGAGING IN THE PRACTICE OF ATHLETIC TRAINING;

4 (e) ATHLETIC TRAINING BY A PATIENT FOR HIMSELF OR HERSELF OR  
5 GRATUITOUS ATHLETIC TRAINING BY A FRIEND OR FAMILY MEMBER WHO  
6 DOES NOT REPRESENT HIMSELF OR HERSELF TO BE AN ATHLETIC TRAINER.

7 (2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT OR  
8 PROHIBIT THE ADMINISTRATION OF ROUTINE FIRST AID OR NECESSARY  
9 EMERGENCY ASSISTANCE BY A PERSON WHO IS NOT A REGISTERED  
10 ATHLETIC TRAINER FOR INJURIES OR ILLNESSES SUSTAINED AT AN  
11 ATHLETIC EVENT OR PROGRAM.

12 (3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE  
13 AN ENTITY OFFERING OR SPONSORING AN ATHLETIC EVENT OR REGULAR  
14 ATHLETIC ACTIVITY TO EMPLOY A REGISTERED ATHLETIC TRAINER.

15 (4) A REGISTERED ATHLETIC TRAINER MAY PROVIDE ATHLETIC  
16 TRAINING SERVICES IN A CLINICAL SETTING TO A PERSON WHO IS NOT AN  
17 ATHLETE IF THE ATHLETIC TRAINER IS UNDER THE DIRECTION AND  
18 SUPERVISION OF A PHYSICIAN, DENTIST, OR LICENSED HEALTH CARE  
19 PROFESSIONAL WHO TREATS SPORTS OR MUSCULOSKELETAL INJURIES. AS  
20 USED IN THIS SUBSECTION (4), "DIRECTION AND SUPERVISION" MEANS THE  
21 ISSUANCE OF WRITTEN OR ORAL DIRECTIVES BY THE PHYSICIAN, DENTIST,  
22 OR LICENSED HEALTH CARE PROFESSIONAL TO THE REGISTERED ATHLETIC  
23 TRAINER PERTAINING TO THE ATHLETIC TRAINING SERVICES TO BE  
24 PROVIDED.

25 **12-29.7-109. Grounds for discipline - disciplinary proceedings.**

26 (1) THE DIRECTOR MAY TAKE DISCIPLINARY ACTION AGAINST A PERSON  
27 REGISTERED UNDER THIS ARTICLE IF THE DIRECTOR FINDS THAT THE

1 PERSON REGISTERED HAS REPRESENTED HIMSELF OR HERSELF AS A  
2 REGISTERED ATHLETIC TRAINER AFTER THE EXPIRATION, SUSPENSION, OR  
3 REVOCATION OF HIS OR HER REGISTRATION.

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

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

12 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,  
13 OR SEXUAL PENETRATION AS DEFINED IN SECTION 18-3-401, C.R.S.

14 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING  
15 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN  
16 TERMINATION OF TREATMENT. WHEN AN INDIVIDUAL RECEIVING SERVICES  
17 IS AN ATHLETE PARTICIPATING ON A SPORTS TEAM OPERATED UNDER THE  
18 AUSPICES OF A BONA FIDE AMATEUR SPORTS ORGANIZATION OR AN  
19 ACCREDITED EDUCATIONAL INSTITUTION THAT EMPLOYS THE REGISTRANT,  
20 THE THERAPEUTIC RELATIONSHIP EXISTS FROM THE TIME THE ATHLETE  
21 BECOMES AFFILIATED WITH THE TEAM UNTIL THE AFFILIATION ENDS OR  
22 THE ATHLETIC TRAINER TERMINATES THE PROVISION OF ATHLETIC  
23 TRAINING SERVICES TO THE TEAM, WHICHEVER OCCURS FIRST.

24 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS  
25 ATTEMPTED TO OBTAIN OR HAS OBTAINED A REGISTRATION BY FRAUD,  
26 DECEPTION, OR MISREPRESENTATION;

27 (c) IS AN EXCESSIVE OR HABITUAL USER OR ABUSER OF ALCOHOL

1 OR HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED  
2 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S., OR OTHER  
3 DRUGS HAVING SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE  
4 DISCRETION NOT TO DISCIPLINE THE REGISTRANT IF HE OR SHE IS  
5 PARTICIPATING IN GOOD FAITH IN A PROGRAM APPROVED BY THE DIRECTOR  
6 TO END SUCH USE OR ABUSE;

7 (d) HAS A PHYSICAL OR MENTAL CONDITION OR DISABILITY THAT  
8 RENDERS THE REGISTRANT UNABLE TO PROVIDE ATHLETIC TRAINING  
9 SERVICES WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER  
10 THE HEALTH OR SAFETY OF INDIVIDUALS RECEIVING SERVICES;

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

13 (f) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO  
14 CONTENDERE TO A FELONY OR ANY CRIME DEFINED IN TITLE 18, C.R.S.,  
15 THAT RELATES TO THE REGISTRANT'S EMPLOYMENT AS AN ATHLETIC  
16 TRAINER. A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF  
17 COMPETENT JURISDICTION OF THE CONVICTION OR PLEA SHALL BE PRIMA  
18 FACIE EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE  
19 DISCIPLINARY ACTION, THE DIRECTOR SHALL BE GOVERNED BY SECTION  
20 24-5-101, C.R.S.

21 (g) HAS PRACTICED ATHLETIC TRAINING WITHOUT A  
22 REGISTRATION;

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

27 (i) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL

1 EXAMINATION WHEN SO ORDERED BY THE BOARD PURSUANT TO SECTION  
2 12-29.7-110; OR

3 (j) HAS OTHERWISE VIOLATED ANY PROVISION OF THIS ARTICLE.

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

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

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

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

26 (6) (a) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO  
27 SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO

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

7 (b) (I) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND  
8 THIS ARTICLE, THE DIRECTOR IS AUTHORIZED TO INVESTIGATE, HOLD  
9 HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS RELATED TO THE  
10 EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES OF THE  
11 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) IS AUTHORIZED TO ADMINISTER OATHS, TAKE  
16 AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE  
17 ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT  
18 RECORDS, PAPERS, BOOKS, DOCUMENTARY EVIDENCE, AND MATERIALS IN  
19 ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE  
20 THE DIRECTOR 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; TO PRODUCE THE RELEVANT PAPERS,

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

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

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

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

27 (8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL

1 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11),  
2 C.R.S. A JUDICIAL PROCEEDING TO ENFORCE AN ORDER OF THE DIRECTOR  
3 MAY BE INSTITUTED IN ACCORDANCE WITH SECTION 24-4-106, C.R.S.

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 COMPLAINT SHALL NOT BE RESOLVED BY  
11 A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

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

22 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
23 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11), THE  
24 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER  
25 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE  
26 HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND  
27 24-4-105, C.R.S.

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

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

20           (c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE HELD  
21 NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS  
22 AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY  
23 THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (12).  
24 THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED  
25 UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE  
26 MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT  
27 SHALL THE HEARING BE HELD LATER THAN SIXTY CALENDAR DAYS AFTER

1 THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

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

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

20 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET  
21 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (12), OF THE FINAL  
22 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE  
23 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON  
24 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER  
25 ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL  
26 BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES  
27 OF JUDICIAL REVIEW.

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

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

16 (15) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST  
17 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION  
18 OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF  
19 THIS SECTION.

20 **12-29.7-110. Mental or physical examination of registrants.**

21 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON  
22 REGISTERED UNDER THIS ARTICLE IS UNABLE TO PRACTICE WITH  
23 REASONABLE SKILL AND SAFETY, THE DIRECTOR MAY ORDER THE PERSON  
24 TO TAKE A MENTAL OR PHYSICAL EXAMINATION ADMINISTERED BY A  
25 PHYSICIAN OR OTHER LICENSED HEALTH CARE PROFESSIONAL DESIGNATED  
26 BY THE DIRECTOR. UNLESS DUE TO CIRCUMSTANCES BEYOND THE  
27 REGISTRANT'S CONTROL, IF THE REGISTRANT REFUSES TO UNDERGO A

1 MENTAL OR PHYSICAL EXAMINATION, THE DIRECTOR MAY SUSPEND THE  
2 PERSON'S REGISTRATION UNTIL THE RESULTS OF THE EXAMINATION ARE  
3 KNOWN AND THE DIRECTOR HAS MADE A DETERMINATION OF THE  
4 REGISTRANT'S FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH  
5 AN ORDER FOR EXAMINATION AND SHALL MAKE HIS OR HER  
6 DETERMINATION IN A TIMELY MANNER.

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

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

24 (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION  
25 ORDERED BY THE DIRECTOR SHALL NOT BE USED AS EVIDENCE IN ANY  
26 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR AND SHALL NOT BE  
27 DEEMED A PUBLIC RECORD OR MADE AVAILABLE TO THE PUBLIC.

1           **12-29.7-111. Unauthorized practice - penalties.** A PERSON WHO  
2 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ATHLETIC TRAINING  
3 WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS  
4 A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN  
5 SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE. FOR THE SECOND OR  
6 ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND  
7 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

8           **12-29.7-112. Rule-making authority.** THE DIRECTOR SHALL  
9 PROMULGATE RULES THAT MAY BE NECESSARY FOR THE ADMINISTRATION  
10 OF THIS ARTICLE.

11           **12-29.7-113. Severability.** IF ANY PROVISION OF THIS ARTICLE IS  
12 HELD TO BE INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER  
13 PROVISIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE  
14 INVALID PROVISION.

15           **12-29.7-114. Repeal of article - review of functions.** THIS  
16 ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2015, AND THE POWERS, DUTIES,  
17 AND FUNCTIONS OF THE DIRECTOR SPECIFIED IN THIS ARTICLE ARE  
18 REPEALED ON SAID DATE. PRIOR TO THE REPEAL, SUCH POWERS, DUTIES,  
19 AND FUNCTIONS SHALL BE REVIEWED AS PROVIDED IN SECTION 24-34-104,  
20 C.R.S.

21           **SECTION 2.** 12-36-106 (3) (s) and (3.5), Colorado Revised  
22 Statutes, are amended to read:

23           **12-36-106. Practice of medicine defined - exemptions from**  
24 **licensing requirements - unauthorized practice by physician**  
25 **assistants - penalties - repeal.** (3) Nothing in this section shall be  
26 construed to prohibit, or to require a license or a physician training license  
27 under this article with respect to, any of the following acts:

1           (s) The rendering of services by an athletic trainer subject to the  
2 conditions and limitations provided in subsection (3.5) of this section  
3 ARTICLE 29.7 OF THIS TITLE;

4           ~~(3.5) (a) The state board of medical examiners shall promulgate~~  
5 ~~rules and regulations specifying the types of services which a qualified~~  
6 ~~athletic trainer may render pursuant to paragraph (s) of subsection (3) of~~  
7 ~~this section. In order to qualify for the exception allowed pursuant to said~~  
8 ~~paragraph (s), such services must be rendered only by qualified athletic~~  
9 ~~trainers who render the services, within the athletic trainer scope of~~  
10 ~~practice as defined pursuant to this subsection (3.5), in the course of~~  
11 ~~participation in an educational institution's sports program, an organized~~  
12 ~~amateur sports organization, a professional sports organization, a~~  
13 ~~recreational program of a county, municipal, or special district~~  
14 ~~government, or an organized community sports event.~~

15           ~~(b) For purposes of this subsection (3.5), "qualified athletic~~  
16 ~~trainer" means a person:~~

17           ~~(I) Who has a baccalaureate degree granted by an accredited~~  
18 ~~college or university or a college or university approved by the state~~  
19 ~~educational board or department in another state, which degree is in a~~  
20 ~~field related to athletic training as defined by the college or university~~  
21 ~~which granted the degree, and who has completed a minimum of one~~  
22 ~~thousand five hundred actual hours of supervised clinical experience or~~  
23 ~~internship training in athletic training under the supervision of a person~~  
24 ~~accredited by a national athletic training standards organization~~  
25 ~~designated by the state board of medical examiners; or~~

26           ~~(II) Who has a baccalaureate degree with a major in athletic~~  
27 ~~training which was granted through a college or university program which~~

1 is accredited by a national athletic training standards organization  
2 designated by the state board of medical examiners and who has  
3 completed a minimum of eight hundred actual hours of supervised  
4 clinical experience or internship in athletic training under the supervision  
5 of a person accredited by a national athletic training standards  
6 organization designated by the state board of medical examiners.

7 (c) For purposes of this subsection (3.5), "athlete" means an  
8 individual participating in an educational institution's sports program, an  
9 organized sports organization, a professional sports organization, a  
10 recreational program of a county, municipal, or special district  
11 government, or an organized community sports event.

12 (d) For purposes of this subsection (3.5), "athletic trainer scope of  
13 practice" means the performance of all or some of the following functions  
14 by a qualified athletic trainer:

15 (I) The development and implementation of conditioning  
16 programs for athletes as defined in paragraph (c) of this subsection (3.5);

17 (II) The performance of strength testing using mechanical devices  
18 or other standard techniques;

19 (III) The application of tape, braces, and protective device to  
20 prevent injury;

21 (IV) The supervision of maintenance of athletic equipment to  
22 assure safety;

23 (V) The assessment, during a screening process, of physical  
24 limitations, including those previously diagnosed by a physician, which  
25 may pose a risk of injury to an athlete;

26 (VI) The determination of the level of functional capacity,  
27 decreased range of motion or muscular weakness of an injured athlete in

1 order to establish the extent of an injury;

2 (VII) The administration of standard techniques of first aid;

3 (VIII) The use of emergency care equipment to aid the injured

4 athlete by facilitating safe transportation to an appropriate medical

5 facility;

6 (IX) The referral of an athlete to appropriate medical personnel as

7 needed;

8 (X) The use of exercise and other therapies for which the athletic

9 trainer has received formal training, not including drugs, to restore an

10 injured athlete to normal function;

11 (XI) The maintenance of athletic training records;

12 (XII) The organization of a medical care service delivery system

13 for athletes when needed;

14 (XIII) The establishment of plans to manage an athlete's medical

15 emergencies;

16 (XIV) The education and counseling of athletes on sports health

17 related topics;

18 (XV) The instruction of student athletic trainers; and

19 (XVI) The education and counseling of the general public with

20 respect to appropriate athletic training programs.

21 (e) Nothing in this subsection (3.5) shall be construed as

22 conferring any authority to practice, or to hold oneself out through

23 advertisement or billing as providing, physical therapy as defined in

24 section 12-41-103.

25 (f) The state board of medical examiners shall seek the voluntary

26 assistance of physicians and athletic trainers in developing and

27 formulating the rules and regulations required to be promulgated pursuant

1 to this subsection (3.5).

2           **SECTION 3.** 24-34-104 (46), Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4           **24-34-104. General assembly review of regulatory agencies**  
5 **and functions for termination, continuation, or reestablishment.**

6 (46) The following agencies, functions, or both shall terminate on July  
7 1, 2015:

8           (k) THE REGULATION OF ATHLETIC TRAINERS BY THE DIRECTOR OF  
9 THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY  
10 AGENCIES IN ACCORDANCE WITH ARTICLE 29.7 OF TITLE 12, C.R.S.

11           **SECTION 4. Effective date - applicability.** This act shall take  
12 effect July 1, 2009, and shall apply to the registration of athletic trainers  
13 on or after January 1, 2010.

14           **SECTION 5. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.