



Frequently Asked *Legislative* Questions

Q: What are our chances for success this time?

A: Nothing in life is guaranteed, yet we are very confident of our chances this time.

Historically we have done very well in both the house and the senate. Both times we have moved through the house and senate with nearly a 70% approval. We are proposing nearly the same thing as in years past and would anticipate the same success.

The difference this time is that we have an agreement with the governor's office. We have in WRITING that they will support a registration bill. We can be assured that if we move an athletic trainer registration bill through the house and senate THE GOVERNOR WILL NOT VETO IT!

Q: What are the differences between this bill and the previously proposed bills in 2006 and 2007?

A: The largest difference is the 2009 bill proposes state registration where as the 2006 and 2007 bills proposed state licensure. The main distinction between registration and licensure is the actions that you can lose your credential for.

We have developed a separate document that will compare the old bill versus the new bill. It is available on the CATA website.

Q: How much does it cost?

A: Fees charged to Athletic Trainers ...

When we posed this question to Charlie this was her response “I would think it will be a little less over time. The set-up costs for the first year or two will probably be the same (for the licensure bills we originally expected the bi- annual fee to be around \$70, plus a one time application fee of a few hundred dollars), since to establish files, find everyone, send out registration material, and such will be the same for registration or licensure. But because there are fewer grounds for discipline under the registration scheme, costs should be less, since, there will supposedly be fewer cases. This is all my supposition, and we will not really know until its first hearing and DORA fills out the fiscal note with their estimates of cost.

A: To the CATA ...

We have set a budget of \$30,253. Nearly 2/3 of that is the fee for the lobbyist.
We have over \$36,000 in our legislative accounts.

On the 28th of November the CATA applied for \$26,000 of funding from the National Athletic Trainers Association – Governmental Affairs committee.

At some point during the early spring of 2009 we will begin a legislative fundraising campaign with the CATA members. If we can raise \$2,000 from our members the NATA GAC will match that amount.

Q: With seeking state registration rather than state licensure are we settling?

A: Technically, yes we are settling. We attempted to pass a licensure bill through the legislature and failed twice. We have been vetoed by two different governors. If we were to try to send another licensure bill through, it will be vetoed again.

When we set out to improve our current statute we set three goals of what we hoped to accomplish:

- 1) Ensure that ONLY professionals who have passed the BOC exam can call themselves and practice as an athletic trainer.
- 2) Create a scope of practice that is current and based on our educational standards.
- 3) Have the ability to remove those that practice illegally OR not allow those that practiced illegally in other states to practice in Colorado.

This current bill would accomplish ALL THREE of those goals! So although we would not be licensed as we were originally seeking we would still be accomplishing EVERYTHING we hoped to.

Q: What effect will the law have on ... Me?

A: If you are functioning in any professional capacity as an athletic trainer you will be required by law to register with the state. By being registered you will be required to function within the boundaries set by the director. Failure to comply could result in legal action by the state.

Q: What effect will the law have on ... Specific Job Settings?

A: In all settings → ONLY those that possess the unique skills, education and certifications of an athletic trainer will be allowed to practice.

Secondary schools, collegiate and professional sports → a scope of practice true to our education will be created. Professionals will be expected to work within those boundaries.

Clinical → Under our current statute there is **NO recognition of the CLINICAL SETTING**. This 2009 registration bill will create the clinical setting. Athletic trainers will be allowed to treat *athletes* within our scope of practice. Athletic trainers will also be allowed to treat those that fall outside the definition of *athlete* "if the athletic trainer is under the direction and supervision of a physician, dentist, or licensed healthcare professional who treats sports or musculoskeletal injuries."

Details of the Law...

Q: Will we need CEU's?

A: Recent certification (within the past two years) will be required at first registration. Renewal will not require certification. DORA is quite adamant that they will not require certification by a private entity in order to maintain registration.

Q: Who will set the rules and regulations for the law?

A: The Director of the Division of Registrations (DORA), currently Rose McCool.

Q: What are the penalties?

A: The Director (Rose McCool) is empowered to issue a cease and desist order against anyone practicing without registering. To ignore it is to be in contempt of court. There is also a class 2 misdemeanor for the first offense, and a class 6 felony for subsequent offenses for those practicing without registration. For a class 2 misdemeanor, the range of punishment is minimum three months imprisonment, or \$250 fine, or both to maximum 12 months imprisonment, \$1000 fine, or both. For a class 6 felony, the range is minimum fine of \$1000 to a maximum fine of \$100,000. Presumptive range of penalty is one year of imprisonment to 18 months of imprisonment, and a mandatory period of parole of one year. The Director (Rose McCool) may also refuse to renew or revoke a registration for behavior related to sexual

misbehavior with clients, use of illegal drugs, or incapacitation that makes the individual unsafe to practice.

Q: How often do we need to renew?

A: Usually, there is a 2 year renewal cycle. It is up to the Director (Rose McCool) to decide.

Q: Will we be required to maintain an NATA membership to be state registered?

A: No. although continued BOC certification may be required. The Legislature does not like to require private membership in any organization in order to earn a living.

Q: Must I be licensed to practice in Colorado?

A: An athletic trainer must be registered, not licensed, in order to practice athletic training.

Q: What about athletic training students?

A: Students enrolled in accredited athletic training programs are exempt, as long as they practice under the supervision of a registered athletic trainer.

Q: Will we need physician oversight?

A: An athletic trainer must be under the 'direction of a physician or dentist' - meaning that the physician or dentist must approve protocols and procedures used by the athletic trainer, review those protocols and procedures on a periodic basis, and there must be appropriate consultation and referral between the physician or dentist and the athletic trainer. Dentists are included in this section because of the few occasions when athletics are injured in their jaw or teeth. Of course, a dentist would not be involved in planning or treating injuries in other parts of the body.