

HOUSE FLOOR AMENDMENT

Second Reading BY REPRESENTATIVES Hooton & Van Winkle

1 Amend printed bill, page 14, strike lines 12 through 21 and substitute:

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

4 **12-205-102. Legislative declaration.** The general assembly
5 hereby finds and declares that the practice of athletic training by a person
6 who does not possess a valid ~~registration~~ LICENSE issued pursuant to this
7 article 205 is not in the best interests of the people of the state of
8 Colorado. It is not, however, the intent of this article 205 to restrict the
9 practice of a person duly licensed, certified, or registered under any part
10 of OR article of this title 12 or other laws of this state from practicing
11 within the person's scope of practice and authority pursuant to those laws.

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

15 **12-205-104. Definitions.** As used in this article 205, unless the
16 context otherwise requires:

17 (4) (a) "Athletic training" means the performance of those services
18 that require the education, training, and experience required by this article
19 205 for ~~registration~~ LICENSURE as an athletic trainer pursuant to section
20 12-205-108. "Athletic training" includes services appropriate for the
21 prevention, recognition, assessment, management, treatment,
22 rehabilitation, and reconditioning of injuries and illnesses sustained by an
23 athlete:

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

26 **12-205-105. Use of titles restricted.** Only a person ~~registered~~
27 LICENSED as an athletic trainer may use the title "athletic trainer" or
28 "~~registered athletic trainer~~" "LICENSED ATHLETIC TRAINER", the letters
29 "A.T." or "A.T.C." AS A TITLE, or any other generally accepted terms,
30 letters, or figures that indicate that the person is an athletic trainer.

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

34 **12-205-107. License required - repeal.** (1) Except as otherwise
35 provided in this article 205, in order to practice athletic training or
36 represent oneself as being able to practice athletic training in this state, a
37 person must:

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

1 205; and
2 (2) (a) On August 2, 2019, each active athletic trainer registration
3 becomes an active athletic trainer license by operation of law. This
4 conversion does not affect any prior discipline, limitation, or condition
5 imposed on a licensee; limit the director's authority over a licensee; or
6 affect a pending investigation or administrative proceeding. The director
7 shall treat an application for an athletic trainer registration, pending as of
8 the effective date of this subsection (2), as an application for athletic
9 trainer licensure.

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

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

14 **12-205-108. Requirements for license - license by endorsement**
15 **- application - denial.** (1) Every applicant for a ~~registration~~ LICENSE to
16 practice athletic training must have:

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

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

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

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

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

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

43 **SECTION 19.** In Colorado Revised Statutes, **amend as relocated**

1 by House Bill 19-1172 12-205-109 as follows:

2 **12-205-109. Renewal of license - fees.** (1) To renew a
3 ~~registration~~ LICENSE issued pursuant to this article 205, a ~~registrant shall~~
4 LICENSEE MUST submit an application in the form and manner designated
5 by, and ~~shall~~ MUST pay a renewal fee in an amount determined by, the
6 director.

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

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

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

20 **12-205-110. Scope of article - exclusions - authority for clinical**
21 **setting - definitions.** (1) Nothing in this article 205 prohibits:

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

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

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

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

43 (3) Nothing in this article 205 requires an entity offering or

1 sponsoring an athletic event or regular athletic activity, including a youth
2 sports team or program whose participants are eighteen years of age or
3 younger, to employ a ~~registered~~ LICENSED athletic trainer.

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

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

16 **12-205-111. Grounds for discipline - disciplinary proceedings**
17 **- definitions.** (1) The director may take disciplinary action against a
18 ~~registrant~~ LICENSEE if the director finds that the ~~registrant~~ LICENSEE has
19 represented himself or herself as a ~~registered athletic trainer~~ LICENSEE
20 after the expiration, suspension, or revocation of ~~his or her registration~~
21 THE LICENSE.

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

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

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

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

42 (c) Has an alcohol use disorder, as defined in section 27-81-102,
43 or a substance use disorder, as defined in section 27-82-102, or is an

1 excessive or habitual user or abuser of alcohol or habit-forming drugs or
2 is a habitual user of a controlled substance, as defined in section
3 18-18-102 (5), or other drugs having similar effects; except that the
4 director has the discretion not to discipline the ~~registrant~~ LICENSEE if ~~he~~
5 ~~or she~~ THE LICENSEE is participating in good faith in an alcohol or
6 substance use disorder treatment program approved by the director;

7 (d) (I) Has failed to notify the director, as required by section
8 12-30-108 (1), of a physical illness, physical condition, or behavioral,
9 mental health, or substance use disorder that affects the ~~registrant's~~
10 LICENSEE'S ability to provide athletic training services with reasonable
11 skill and safety or that may endanger the health or safety of individuals
12 receiving athletic training services;

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

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

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

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

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

30 **12-205-113. Mental or physical examination of licensees.** (1) If
31 the director has reasonable cause to believe that a ~~registrant~~ LICENSEE is
32 unable to practice with reasonable skill and safety, the director may order
33 the ~~registrant~~ LICENSEE to take a mental or physical examination
34 administered by a physician or other licensed health care professional
35 designated by the director. Unless due to circumstances beyond the
36 ~~registrant's~~ LICENSEE'S control, if the ~~registrant~~ LICENSEE refuses to
37 undergo a mental or physical examination, the director may suspend the
38 person's ~~registration~~ LICENSE until the results of the examination are
39 known and the director has made a determination of the ~~registrant's~~
40 LICENSEE'S fitness to practice. The director shall proceed with an order for
41 examination and shall make ~~his or her~~ THE determination in a timely
42 manner.

43 (2) The director shall include in an order requiring a ~~registrant~~

1 LICENSEE to undergo a mental or physical examination the basis of the
2 director's reasonable cause to believe that the ~~registrant~~ LICENSEE is
3 unable to practice with reasonable skill and safety. For purposes of a
4 disciplinary proceeding authorized under this article 205, the ~~registrant~~
5 LICENSEE is deemed to have waived all objections to the admissibility of
6 the examining physician's or licensed health care professional's testimony
7 or examination reports on the ground that they are privileged
8 communications.

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

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

19 **12-205-114. Confidential agreement to limit practice -**
20 **violation grounds for discipline.** (2) This section and section 12-30-108
21 do not apply to a ~~registrant~~ LICENSEE subject to discipline under section
22 12-205-111 (2)(c).

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

25 **12-205-115. Unauthorized practice - penalties.** A person who
26 practices or offers or attempts to practice athletic training without an
27 active ~~registration~~ LICENSE issued under this article 205 is subject to
28 penalties pursuant to section 12-20-407 (1)(b).

29 **SECTION 25. Act subject to petition - effective date.**
30 (1) Except as otherwise provided in subsection (2) of this section, this act
31 takes effect at 12:01 a.m. on the day following the expiration of the
32 ninety-day period after final adjournment of the general assembly (August
33 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
34 referendum petition is filed pursuant to section 1 (3) of article V of the
35 state constitution against this act or an item, section, or part of this act
36 within such period, then the act, item, section, or part will not take effect
37 unless approved by the people at the general election to be held in
38 November 2020 and, in such case, will take effect on the date of the
39 official declaration of the vote thereon by the governor.

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

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