

SB21-147

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Holbert

1 Amend printed bill, page 2, after line 16 insert:

2 "SECTION 2. In Colorado Revised Statutes, 12-20-404, **amend**
 3 (4)(c); **add** (3)(a)(II)(D.5), and **repeal** (1)(b)(II)(B), (3)(c)(V), and
 4 (5)(b)(IV) as follows:

5 **12-20-404. Disciplinary actions - regulator powers -**
 6 **disposition of fines. (1) General disciplinary authority.** If a regulator
 7 determines that an applicant, licensee, certificate holder, or registrant has
 8 committed an act or engaged in conduct that constitutes grounds for
 9 discipline or unprofessional conduct under a part or article of this title 12
 10 governing the particular profession or occupation, the regulator may:

11 (b) (II) A regulator is not authorized under this subsection (1)(b)
 12 to impose probation on a licensee, certificate holder, or registrant
 13 regulated under the following:

14 (B) ~~Article 205 of this title 12 concerning athletic trainers;~~

15 (3) **Waiting period after revocation or surrender.** (a) (II) In
 16 addition, the waiting period specified in subsection (3)(a)(I) of this
 17 section applies when a person regulated under any of the following
 18 articles surrenders a license, certification, or registration to avoid
 19 discipline:

20 (D.5) ARTICLE 205 OF THIS TITLE 12 CONCERNING ATHLETIC
 21 TRAINERS;

22 (c) This subsection (3) does not apply to the following:

23 (V) ~~Article 205 of this title 12 concerning athletic trainers;~~

24 (4) **Letter of admonition.** (c) This subsection (4) does not apply
 25 to the following:

26 ~~(F) Article 205 of this title 12 concerning athletic trainers; and~~

27 ~~(H) article 310 of this title 12 concerning surgical assistants and~~
 28 ~~surgical technologists.~~

29 (5) **Confidential letter of concern.** (b) This subsection (5) does
 30 not apply to the following:

31 ~~(IV) Article 205 of this title 12 concerning athletic trainers; and~~

32 **SECTION 3.** In Colorado Revised Statutes, 12-205-104, **amend**
 33 (5) as follows:

34 **12-205-104. Definitions.** As used in this article 205, unless the
 35 context otherwise requires:

36 (5) "Direction of a Colorado-licensed or otherwise lawfully
 37 practicing physician ~~dentist~~, or ~~health-care professional~~ PHYSICIAN
 38 ASSISTANT" means the planning of services with a physician ~~dentist~~, or
 39 ~~health-care professional~~ PHYSICIAN ASSISTANT LICENSED UNDER ARTICLE

1 240 OF THIS TITLE 12 OR UNDER THE MEDICAL PRACTICE ACT OF ANOTHER
2 JURISDICTION; the development and approval by the physician ~~dentist~~, or
3 ~~health-care professional~~ PHYSICIAN ASSISTANT of procedures and
4 protocols to be followed in the event of an injury or illness; the mutual
5 review of the protocols on a periodic basis; and the appropriate
6 consultation and referral between the physician ~~dentist~~, or ~~health-care~~
7 ~~professional~~ PHYSICIAN ASSISTANT and the athletic trainer.

8 **SECTION 4.** In Colorado Revised Statutes, 12-205-107, **amend**
9 (1)(b) as follows:

10 **12-205-107. License required - repeal.** (1) Except as otherwise
11 provided in this article 205, in order to practice athletic training or
12 represent oneself as being able to practice athletic training in this state, a
13 person must:

14 (b) Practice pursuant to the direction of a Colorado-licensed or
15 otherwise lawfully practicing physician ~~dentist~~, or ~~health-care~~
16 ~~professional~~ PHYSICIAN ASSISTANT.

17 **SECTION 5.** In Colorado Revised Statutes, 12-205-110, **amend**
18 (5) as follows:

19 **12-205-110. Scope of article - exclusions - authority for clinical**
20 **setting - definitions.** (5) A licensee may provide athletic training
21 services in a clinical setting to a person who is not an athlete if the
22 athletic trainer is under the direction and supervision of a
23 Colorado-licensed or otherwise lawfully practicing physician ~~dentist~~, or
24 ~~health-care professional~~ PHYSICIAN ASSISTANT who treats sports or
25 musculoskeletal injuries. As used in this subsection (5), "direction and
26 supervision" means the issuance of written or oral directives by the
27 physician ~~dentist~~, or ~~licensed health-care professional~~ PHYSICIAN
28 ASSISTANT to the licensee pertaining to the athletic training services to be
29 provided.

30 **SECTION 6.** In Colorado Revised Statutes, 12-205-111, **amend**
31 (2)(c) and (2)(j) as follows:

32 **12-205-111. Grounds for discipline - disciplinary proceedings**
33 **- definitions.** (2) The director may take disciplinary or other action in
34 accordance with section 12-20-404 or issue a cease-and-desist order in
35 accordance with section 12-205-112 upon reasonable grounds that the
36 licensee:

37 ~~(c) Has a substance use disorder, as defined in section 27-81-102,~~
38 ~~or is an excessive or habitual user or abuser of alcohol or habit-forming~~
39 ~~drugs or is a habitual user of a controlled substance, as defined in section~~
40 ~~18-18-102 (5), or other drugs having similar effects; except that the~~
41 ~~director has the discretion not to discipline the licensee if the licensee is~~
42 ~~participating in good faith in an alcohol or substance use disorder~~
43 ~~treatment program approved by the director~~ EXCESSIVELY OR
44 HABITUALLY USES OR ABUSES OR HAS ENGAGED IN EXCESSIVE OR
45 HABITUAL USE OR ABUSE OF ALCOHOL, A HABIT-FORMING DRUG, A

1 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), OR ANY
2 OTHER DRUG HAVING SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS
3 THE DISCRETION NOT TO DISCIPLINE THE LICENSEE IF THE LICENSEE IS
4 PARTICIPATING IN GOOD FAITH IN A PROGRAM APPROVED BY THE DIRECTOR
5 DESIGNED TO END THE EXCESSIVE OR HABITUAL USE OR ABUSE;

6 (j) Has failed to practice pursuant to the direction of a
7 Colorado-licensed or otherwise lawfully practicing physician ~~dentist~~, or
8 ~~health-care professional~~ PHYSICIAN ASSISTANT;"

9 Renumber succeeding sections accordingly.

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