
Colorado Revised Statutes 2019

TITLE 12

PROFESSIONS AND OCCUPATIONS

ARTICLE 205 ATHLETIC TRAINERS

Editor's note: This title 12 was repealed and reenacted, with relocations, in 2019, resulting in the addition, relocation, or elimination of sections as well as subject matter. For amendments to this title 12 prior to 2019, consult the 2018 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in Title 12, 2019 Colorado Revised Statutes. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title 12, see the comparative tables located in the back of the index or <https://leg.colorado.gov/sites/default/files/images/olls/title-12-2019-comparative-table.pdf>

Cross references: For practicing a profession or operating a business without a license, see § 16-13-306; for rule-making procedures and license suspension and revocation procedures by state agencies, see article 4 of title 24; for an alternative disciplinary action for persons licensed, registered, or certified pursuant to this title 12, see § 24-34-106; for disposition of money collected under this title 12, see §§ 24-35-101 and 24-36-103.

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TITLE 12
PROFESSIONS AND OCCUPATIONS

ARTICLE 205
ATHLETIC TRAINERS

Editor's note: This title 12 was repealed and reenacted, with relocations, in 2019. This article 205 was numbered as article 29.7 of this title 12 prior to 2019. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title 12, see the comparative tables located in the back of the index or <https://leg.colorado.gov/sites/default/files/images/olls/title-12-2019-comparative-table.pdf>

12-205-101. Short title. The short title of this article 205 is the "Athletic Trainer Practice Act".

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1035, § 1, effective October 1.

Editor's note: This section is similar to former § 12-29.7-101 as it existed prior to 2019.

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 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.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1035, § 1, effective October 1; entire section amended, (HB 19-1083), ch. 61, p. 220, § 14, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-102 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

12-205-103. Applicability of common provisions. Articles 1, 20, and 30 of this title 12 apply, according to their terms, to this article 205.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1035, § 1, effective October 1.

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

(1) "Accredited athletic training education program" means a program of instruction in athletic training that is offered by an institution of higher education and accredited by a national, regional, or state agency recognized by the United States secretary of education, or any other accredited program approved by the director.

(2) "Athlete" means a person who, in association with an educational institution, an organized community sports program or event, or a professional, amateur, or recreational organization or sports club, participates in games, sports, recreation, or exercise requiring physical strength, flexibility, range of motion, speed, stamina, or agility.

(3) "Athletic trainer" means a person engaged in the practice of athletic training.

(4) (a) "Athletic training" means the performance of those services that require the education, training, and experience required by this article 205 for 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:

(I) Who is engaged in sports, games, recreation, or exercise requiring physical strength, flexibility, range of motion, speed, stamina, or agility; or

(II) That affect an athlete's participation or performance in sports, games, recreation, or exercise as described in subsection (4)(a)(I) of this section.

(b) "Athletic training" includes:

(I) Planning, administering, evaluating, and modifying methods for prevention and risk management of injuries and illnesses;

(II) Identifying an athlete's medical conditions and disabilities and appropriately caring for or referring an athlete as appropriate;

(III) Recognizing, assessing, treating, managing, preventing, rehabilitating, reconditioning, and appropriately referring to another health care provider to treat injuries and illnesses;

(IV) Using therapeutic modalities for which the athletic trainer has received appropriate training and education;

(V) Using conditioning and rehabilitative exercise;

(VI) Using topical pharmacological agents, in conjunction with the administration of therapeutic modalities and pursuant to prescriptions issued in accordance with the laws of this state, for which the athletic trainer has received appropriate training and education;

(VII) Educating and counseling athletes concerning the prevention and care of injuries and illnesses;

(VIII) Educating and counseling the general public with respect to athletic training services;

(IX) Referring an athlete receiving athletic training services to appropriate health care personnel as needed; and

(X) Planning, organizing, administering, and evaluating the practice of athletic training.

(c) As used in this subsection (4), "injuries and illnesses" includes those conditions in an athlete for which athletic trainers, as the result of their education, training, and competency, are qualified to provide care.

(5) "Direction of a Colorado-licensed or otherwise lawfully practicing physician, dentist, or health care professional" means the planning of services with a physician, dentist, or health care professional; the development and approval by the physician, dentist, or health care professional of procedures and protocols to be followed in the event of an injury or illness; the mutual review of the protocols on a periodic basis; and the appropriate consultation and referral between the physician, dentist, or health care professional and the athletic trainer.

(6) "National certifying agency" means a nationally recognized agency that certifies the competency of athletic trainers through the use of an examination.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1035, § 1, effective October 1; IP(4)(a) amended, (HB 19-1083), ch. 61, p. 220, § 15, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-103 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

12-205-105. Use of titles restricted. Only a person licensed as an athletic trainer may use the title "athletic trainer" or "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.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1037, § 1, effective October 1; entire section amended, (HB 19-1083), ch. 61, p. 221, § 16, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-104 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

12-205-106. Limitations on authority. (1) Nothing in this article 205 authorizes an athletic trainer to practice:

- (a) Medicine, as defined in article 240 of this title 12;
- (b) Physical therapy, as defined in article 285 of this title 12;
- (c) Chiropractic, as defined in article 215 of this title 12;
- (d) Occupational therapy, as defined in article 270 of this title 12; or
- (e) Any other regulated form of healing except as authorized by this article 205.

(2) Nothing in this article 205 authorizes an athletic trainer to treat a disease or condition that is not related to a person's participation in sports, games, recreation, or exercise, but the athletic trainer shall take a person's disease or condition into account in providing athletic training services and shall consult with a physician as appropriate regarding the disease or condition.

(3) Nothing in this article 205 prohibits a person from recommending weight management or exercise to improve strength, conditioning, flexibility, and cardiovascular performance to a person in normal health as long as the person recommending the weight management or exercise does not represent himself or herself as an athletic trainer and the person does not engage in athletic training as defined in this article 205.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1037, § 1, effective October 1.

Editor's note: This section is similar to former § 12-29.7-105 as it existed prior to 2019.

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 license issued by the director in accordance with this article 205 and any rules adopted under this article 205; and
- (b) Practice pursuant to the direction of a Colorado-licensed or otherwise lawfully practicing physician, dentist, or health care professional.

(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 August 2, 2019, as an application for athletic trainer licensure.

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

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1037, § 1, effective October 1; (1)(a) amended and (2) added with relocations, (HB 19-1083), ch. 61, p. 221, § 17, effective October 1.

Editor's note: (1) (a) This section is similar to former § 12-29.7-106 as it existed prior to 2019.

- (b) Subsection (2) was relocated as added by section 4 of HB 19-1083.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1,

2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

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

(a) Earned a baccalaureate degree from an accredited college or university;
(b) Successfully completed an accredited athletic training education program;
(c) (I) Passed a competency examination administered by a national certifying agency that has been approved by the director and provided evidence of current certification by the national certifying agency; or

(II) Passed a competency examination developed and administered by the director;
(d) Submitted an application in the form and manner designated by the director;
(e) Paid a fee in an amount determined by the director; and
(f) Submitted additional information as requested by the director to fully and fairly evaluate the applicant's qualifications for 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 license to the applicant. The director may deny licensure if the applicant has committed an act that would be grounds for disciplinary action under section 12-205-111.

(3) (a) To be licensed by endorsement, an applicant must file an application and pay a fee as prescribed by the director and must hold a current, valid license or registration in a jurisdiction that requires qualifications substantially equivalent to those required for licensure by subsection (1) of this section.

(b) To be licensed by endorsement, an applicant 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 licensed by endorsement.

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

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1038, § 1, effective October 1; IP(1), (1)(f), (2), and (3) amended, (HB 19-1083), ch. 61, p. 221, § 18, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-107 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

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

(2) 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 license has expired is subject to the penalties provided in this article 205 or section 12-20-202 (1).

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

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1038, § 1, effective October 1; entire section amended, (HB 19-1083), ch. 61, p. 222, § 19, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-108 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

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 identify themselves as "athletic training students" and shall only practice athletic training under the direction and immediate supervision of a licensee. An athletic training student shall not represent himself or herself as an athletic trainer.

(b) The practice of athletic training by a person who is certified by a national certifying agency and who is employed by the United States government or any bureau, division, or agency of the federal government while acting in the course and scope of employment;

(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:

(I) 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 unlicensed practice of athletic training for no more than ninety days in any calendar year; or

(II) Participating in an educational program of not more than twelve weeks' duration.

Upon written application by the person prior to the expiration of the twelve-week period, the director may grant an extension of time.

(d) The practice of any health care profession, other than athletic training, by a person licensed or registered under any other part or article of this title 12 in accordance with the lawful scope of practice of the other profession or the performance of activities described in subsection (2) of this section, if the person does not represent himself or herself as an athletic trainer or as engaging in the practice of athletic training;

(e) Athletic training by a patient for himself or herself or gratuitous athletic training by a friend or family member who does not represent himself or herself as an athletic trainer.

(2) Nothing in this article 205 limits or prohibits the administration of routine assistance or first aid by a person who is not a 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 licensed athletic trainer.

(4) (a) A school coach, athletic director, or other employee or a person contracted with a school is not engaging in the practice of athletic training when he or she engages in or holds responsibility for the following activities in the course of his or her regularly scheduled duties:

(I) Planning, administering, or modifying methods for prevention and risk management of injuries and illnesses;

(II) Administering routine assistance for first aid to an injured athlete;

(III) Directing conditioning exercises;

(IV) Educating or counseling athletes concerning the prevention of injuries and illnesses;

or

(V) Referring an athlete to a licensed health care professional.

(b) As used in this subsection (4), "school" means a public or private elementary, middle, junior high, or high school.

(5) A 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 licensee pertaining to the athletic training services to be provided.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1039, § 1, effective October 1; (1)(a), (1)(c)(I), (2), (3), and (5) amended, (HB 19-1083), ch. 61, p. 222, § 20, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-109 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1,

2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

12-205-111. Grounds for discipline - disciplinary proceedings - definitions. (1) The director may take disciplinary action against a licensee if the director finds that the licensee has represented himself or herself as a licensee after the expiration, suspension, or revocation of the license.

(2) The director may take disciplinary or other action 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 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):

(I) "Sexual act" means sexual contact, sexual intrusion, or sexual penetration as defined in section 18-3-401.

(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 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 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 licensee if 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 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 licensee unable to perform athletic training with reasonable skill and safety or that may endanger the health or safety of persons under the licensee's care; or

(III) Has failed to comply with the limitations agreed to under a confidential agreement entered pursuant to sections 12-30-108 and 12-205-114;

(e) Has had a registration or license suspended or revoked for actions that are a violation of this article 205 or an applicable provision of article 20 or 30 of this title 12;

(f) Has been convicted of or pled guilty or nolo contendere to a felony or any crime defined in title 18. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is prima facie evidence of the conviction or plea. In considering the disciplinary action, the director is governed by sections 12-20-202 (5) and 24-5-101.

(g) Has practiced athletic training without a license;

(h) Has failed to notify the director of any disciplinary action in regard to the person's past or currently held license, certificate, or registration required to practice athletic training in this state or any other jurisdiction;

(i) Has refused to submit to a physical or mental examination when so ordered by the director pursuant to section 12-205-113;

(j) Has failed to practice pursuant to the direction of a Colorado-licensed or otherwise lawfully practicing physician, dentist, or health care professional;

(k) Has practiced athletic training in a manner that fails to meet generally accepted standards of athletic training practice; or

(l) Has otherwise violated any provision of this article 205 or an applicable provision of article 20 or 30 of this title 12.

(3) Except as otherwise provided in subsection (2) of this section, the director need not find that the actions that are grounds for discipline were willful but may consider whether the actions were willful when determining the nature of disciplinary sanctions to be imposed.

(4) (a) The director may commence a proceeding to discipline a licensee when the director has reasonable grounds to believe that the 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 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.

(5) Disciplinary proceedings shall be conducted in accordance with article 4 of title 24 and section 12-20-403. The director has the authority to exercise all powers and duties conferred by this article 205 during the disciplinary proceedings.

(6) (a) The director may seek an injunction in accordance with section 12-20-406 to enjoin a person from committing an act prohibited by this article 205.

(b) In accordance with section 12-20-403, the director may investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the powers and duties of the director.

(7) A final action of the director is subject to judicial review pursuant to section 12-20-408. The director may institute a judicial proceeding in accordance with section 24-4-106 to enforce the director's order.

(8) An employer of an athletic trainer shall report to the director any disciplinary action taken against the athletic trainer or the resignation of the athletic trainer in lieu of disciplinary action for conduct that violates this article 205.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1041, § 1, effective October 1; (1), IP(2), (2)(a)(II), (2)(b), (2)(c), (2)(d)(I), (2)(d)(II), (2)(g), and (4) amended, (HB 19-1083), ch. 61, p. 223, § 21, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-110 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

12-205-112. Cease-and-desist orders. The director may issue cease-and-desist orders under the circumstances and in accordance with the procedures specified in section 12-20-405.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1044, § 1, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-111 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

12-205-113. Mental or physical examination of licensees. (1) If the director has reasonable cause to believe that a licensee is unable to practice with reasonable skill and safety, the director may order the 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 licensee's control, if the licensee refuses to undergo a mental or physical examination, the director may suspend the person's license until the results of the examination are known and the director has made a determination of the licensee's fitness to practice. The director shall proceed with an order for examination and shall make the determination in a timely manner.

(2) The director shall include in an order requiring a licensee to undergo a mental or physical examination the basis of the director's reasonable cause to believe that the licensee is unable to practice with reasonable skill and safety. For purposes of a disciplinary proceeding authorized under this article 205, the 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 licensee may submit to the director testimony or examination reports from a physician chosen by the licensee and pertaining to any condition that the director has alleged may preclude the licensee from practicing with reasonable skill and safety. The testimony and reports submitted by the 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.

(4) The results of a mental or physical examination ordered by the director shall not be used as evidence in any proceeding other than one before the director and shall not be deemed a public record or made available to the public.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1045, § 1, effective October 1; (1), (2), and (3) amended, (HB 19-1083), ch. 61, p. 224, § 22, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-112 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

12-205-114. Confidential agreement to limit practice - violation grounds for discipline. (1) Except as specified in subsection (2) of this section, section 12-30-108 concerning confidential agreements to limit practice applies to this article 205.

(2) This section and section 12-30-108 do not apply to a licensee subject to discipline under section 12-205-111 (2)(c).

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1046, § 1, effective October 1; (2) amended, (HB 19-1083), ch. 61, p. 225, § 23, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-113 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1, 2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

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

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1047, § 1, effective October 1; entire section amended, (HB 19-1083), ch. 61, p. 225, § 24, effective October 1.

Editor's note: (1) This section is similar to former § 12-29.7-114 as it existed prior to 2019.

(2) Before its relocation in 2019, this section was amended in HB 19-1083. Those amendments were superseded by the repeal and reenactment of this title 12, effective October 1,

2019. For those amendments to the former section in effect from August 2, 2019, to October 1, 2019, see HB 19-1083, chapter 61, Session Laws of Colorado 2019.

(3) Section 25 of chapter 61 (HB 19-1083), Session Laws of Colorado 2019, provides that the act changing this section takes effect October 1, 2019, only if HB 19-1172 becomes law. HB 19-1172 became law and took effect October 1, 2019.

12-205-116. Rule-making authority. The director shall promulgate rules pursuant to section 12-20-204.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1047, § 1, effective October 1.

Editor's note: This section is similar to former § 12-29.7-115 as it existed prior to 2019.

12-205-117. Repeal of article - review of functions. This article 205 is repealed, effective September 1, 2021, and the powers, duties, and functions of the director specified in this article 205 are repealed on that date. Before the repeal, the powers, duties, and functions of the director are scheduled for review in accordance with section 24-34-104.

Source: L. 2019: Entire title R&RE with relocations, (HB 19-1172), ch. 136, p. 1047, § 1, effective October 1.

Editor's note: This section is similar to former § 12-29.7-117 as it existed prior to 2019.