

DEPARTMENT OF REGULATORY AGENCIES

State Physical Therapy Board

PHYSICAL THERAPY RULES AND REGULATIONS

4 CCR 732-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

1.1 GENERAL RULE PROVISIONS

A. Definitions

The purpose of this Rule is to address the requirement under section 12-285-116(1), C.R.S., regarding supervision of persons not licensed as a physical therapist, and to clarify the types/levels of supervision utilized throughout the Physical Therapy Practice Act and these Board Rules.

1. "General supervision" means the physical therapist is not required to be on site for direction and supervision, but must be available at least by telecommunications.
2. "Direct supervision" means the physical therapist is physically present in the same physical building.
3. "Immediate supervision" means the physical therapist is physically present or immediately available in the same physical building to support the individual being supervised.

B. Licensure & Certification Requirements: Credit for Military Experience

The purpose of this Rule is to outline the conditions and procedures governing the evaluation of an applicant's military training and experience under section 12-20-202(4), C.R.S.

1. Education, training, or service gained in military services outlined in section 12-20-202(4), C.R.S., that is to be accepted and applied towards receiving either a physical therapist license or a physical therapist assistant certification must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of the receipt of the application. It is the applicant's responsibility to provide timely and complete evidence of the education, training and/or service gained in the military for review and consideration. Satisfactory evidence of such education, training or service will be assessed on a case-by-case basis.

C. Recognized Accrediting Agency

The purpose of this Rule is to designate a nationally recognized accrediting agency for accrediting physical therapy and physical therapist assistant programs pursuant to sections 12-285-104(1), 12-285-110, 12-285-112, 12-285-113, 12-285-117, 12-285-205, 12-285-206, and 12-285-207, C.R.S.

1. The Commission on Accreditation in Physical Therapy Education (CAPTE) is recognized as the accrediting agency for accrediting both physical therapy and physical therapist assistant programs.

D. Approved Examinations for Licensing

The purpose of this Rule is to designate a nationally-recognized examination approved by the Board pursuant to sections 12-285-110, 12-285-112, 12-285-113, 12-285-205, 12-285-206, and 12-285-207, C.R.S.

1. The examination developed by the Federation of State Boards of Physical Therapy (FSBPT) entitled the National Physical Therapy Examination (NPTE) for physical therapists is approved as the required examination in the licensure process. An applicant must achieve a passing score as determined by FSBPT in order to be eligible for licensure as a physical therapist.
2. The examination developed by FSBPT entitled the National Physical Therapy Examination (NPTE) for physical therapist assistants is approved as the required examination in the certification process. An applicant must achieve a passing score as determined by FSBPT in order to be eligible for certification as a physical therapist assistant.

E. Declaratory Orders

The purpose of this Rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedures Act at section 24-4-105(11), C.R.S.

1. Any person or entity may petition the Board for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Board.
2. The Board will determine, at its discretion and without notice to petitioner, whether to rule upon such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such decision.
3. In determining whether to rule upon a petition filed pursuant to this Rule, the Board will consider the following matters, among others:
 - a. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Board;
 - b. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Board or a court involving one or more petitioners;
 - c. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner;
 - d. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion; and
 - e. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to CRCP 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.
4. Any petition filed pursuant to this Rule shall set forth the following:
 - a. The name and address of the petitioner and whether the petitioner is licensed or certified pursuant to Title 12, Article 285, C.R.S.

- b. The statute, rule, or order to which the petition relates.
 - c. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.
5. If the Board determines that it will rule on the petition, the following procedures shall apply:
- a. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case:
 - (1) Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - (2) The Board may order the petitioner to file a written brief, memorandum, or statement of position.
 - (3) The Board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
 - (4) The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
 - (5) The Board may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
 - (6) The Board may take administrative notice of facts pursuant to the Colorado Administrative Procedures Act at section 24-4-105(8), C.R.S., and may utilize its experience, technical competence, and specialized knowledge in the disposition of the petition.
 - b. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
 - c. The Board may, at its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The hearing notice to the petitioner shall set forth, to the extent known, the factual or other matters that the Board intends to inquire.
 - d. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.
6. The parties to any proceeding pursuant to this Rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as are required by section (4) of this Rule. Any reference to a "petitioner" in this Rule also refers to any person who has been granted leave to intervene by the Board.
7. Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedures Act at section 24-4-106, C.R.S.

F. Reporting Criminal Convictions, Judgments, and Administrative Proceedings

The purpose of this Rule is to delineate the procedures a licensee or a certificate holder must adhere to when an act enumerated in sections 12-285-120, 12-285-123(2), 12-285-211, or 12-285-213(2), C.R.S., has occurred.

1. A licensee or certificate holder must inform the Board within ninety days of any of the following events:
 - a. The conviction of a felony under the laws of any state or of the United States, or of any level of crime related to the practice of physical therapy. A guilty verdict, a plea of guilty, a plea of nolo contendere, or the imposition of a deferred sentence accepted by the court is considered a conviction.
 - b. A disciplinary action imposed by another jurisdiction that licenses, certifies, or registers physical therapists or physical therapist assistants including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license, certification, or registration, whether it is imposed by consent decree, order, or in some other manner, for any cause other than failure to pay a license, certification, or registration fee by the due date.
 - c. Revocation or suspension by another state board, municipality, federal or state agency of any health services related license, certification, or registration, other than a license, certification, or registration as a physical therapist or physical therapist assistant.
2. Any award, judgment, or settlement of a civil action or arbitration in which there was a final judgment or settlement for malpractice of physical therapy.
3. The notice to the Board must include the following information:
 - a. If the event is an action by a governmental agency:
 - (1) The name of the agency;
 - (2) Its jurisdiction;
 - (3) The case name;
 - (4) The docket, proceeding, or case number by which the event is designated; and
 - (5) A copy of the consent decree, order, or decision.
 - b. If the event is a conviction of a crime described above:
 - (1) The court;
 - (2) Its jurisdiction;
 - (3) The case name;
 - (4) The case number;
 - (5) A description of the matter or a copy of the indictment or charges;
 - (6) Any plea or verdict accepted or entered by the court; and

- (7) A copy of the imposition of sentence related to the conviction and the completion of all terms of the sentence.
- c. If the event concerns a civil action or arbitration proceeding:
 - (1) The court or arbitrator;
 - (2) The jurisdiction;
 - (3) The case name;
 - (4) The case number;
 - (5) A description of the matter or a copy of the complaint or demand for arbitration; and
 - (6) A copy of the verdict, the court decision or arbitration award, or, if settled, the settlement agreement and court's order of dismissal.
- d. The licensee or certificate holder notifying the Board may submit a written statement with the notice to be included with the licensee's or certificate holder's records.

G. Reporting Physical or Mental Illness or Condition

The purpose of this Rule is to clarify the notification requirements of sections 12-30-108, 12-285-125 and 12-285-215, C.R.S.

- 1. A licensed physical therapist or certified physical therapist assistant must notify the Board if he/she suffers from any of the following:
 - a. A long-term (more than ninety days) physical illness/condition that renders the licensee or certificate holder unable, or limits his/her ability, to practice physical therapy with reasonable skill and patient safety; or
 - b. A debilitating mental illness/condition that renders the licensee or certificate holder unable, or limits his/her ability, to practice physical therapy with reasonable skill and patient safety.
- 2. The physical therapist or physical therapist assistant must notify the Board in writing of the illness or condition within thirty days from the date it impacts his/her ability to perform physical therapy services with reasonable skill and safety; and submit, within sixty days, his/her current strategy for practice modification, limitation, or restriction with consideration of the illness or condition to ensure safe patient care and his/her safety, and a letter from his/her treating medical or mental health provider describing:
 - a. The diagnosis and a description of the illness or condition;
 - b. The date that the illness or condition was first diagnosed;
 - c. Treatment plan;
 - d. The impact on the licensee's or certificate holder's ability to practice safely based on his/her review of a job description for a physical therapist or physical therapist assistant; and

- e. Any applicable modifications, limitations, or restrictions to his/her practice.
- 3. Pursuant to sections 12-285-124 and 12-285-214, C.R.S., the Board may require the licensee or certificate holder to submit to an examination to evaluate the extent of the illness or condition and its impact on his/her ability to practice with reasonable skill and safety.
- 4. Pursuant to sections 12-30-108, 12-285-125 and 12-285-215, C.R.S., the Board may enter into a non-disciplinary confidential agreement with the physical therapist or physical therapist assistant in which he/she agrees to limit his/her practice based on any restriction(s) imposed by the illness or condition, as determined by the Board. A licensee or certificate holder subject to discipline for habitually abusing or excessively using or abusing alcohol, a habit-forming drug, or a controlled substance is not eligible to enter into a confidential agreement.

1.2 PHYSICAL THERAPIST LICENSURE RULES

A. Supervision and/or Direction of Persons Not Licensed as a Physical Therapist

Pursuant to section 12-285-116(1), C.R.S., the purpose of this Rule is to clarify supervision and/or direction provisions for persons not licensed as a physical therapist, which include a physical therapist assistant, certified nurse aide, provisional physical therapist, physical therapy aide, athletic trainer, massage therapist, student physical therapist, or student physical therapist assistant. A therapist of record must be established if physical therapy services are being provided by any of the persons not licensed as a physical therapist listed above. A physical therapist who performs an initial examination and evaluation, and develops an appropriate plan of care, shall be the therapist of record for that patient, unless that physical therapist transfers the responsibility to another licensed physical therapist, or a provisional physical therapist under supervision of a physical therapist or a student physical therapist under supervision of a clinical instructor actively licensed by the State of Colorado as a physical therapist, experienced and skilled enough to take on such responsibility through documentation in the patient records, including the transfer of the procedures and responsibilities provided in this Rule.

- 1. Delegation of duties is determined by the education and training of the individual being delegated responsibilities as allowed pursuant to Article 285 of Title 12, C.R.S., and these Board Rules. If a task cannot be delegated, then a physical therapist must personally attend to the task in-person and not through a patient chart review.
 - a. A physical therapist shall determine if the individual not licensed as a physical therapist who is being delegated responsibility has the appropriate education, training, and/or experience to perform duties as allowed by statute and/or rule.
 - b. A physical therapist shall rely on his/her expertise and clinical reasoning when determining the most appropriate utilization of a person not licensed as a physical therapist to provide for the delivery of service that is safe, effective, and efficient.
 - c. A physical therapist must personally perform and cannot delegate to a person not licensed as a physical therapist the initial clinical contact, interpretation of referrals, initial examinations and evaluations, diagnosis and prognosis, development and modification of plans of care, determination of discharge criteria, and supervision of physical therapy services rendered to the patient/client, except for a provisional physical therapist under supervision of a physical therapist or a student physical therapist under supervision of a clinical instructor actively licensed as a physical therapist, experienced and skilled enough to take on such responsibility.

- d. A physical therapist shall not delegate wound debridement to a person not licensed as a physical therapist, except to a provisional physical therapist under supervision of a physical therapist or a student physical therapist under supervision of a clinical instructor actively licensed as a physical therapist, experienced and skilled enough to take on such responsibility, but may delegate non-selective wound care to a physical therapist assistant.
2. A physical therapist is responsible for providing adequate or proper supervision and/or direction to a person not licensed as a physical therapist pursuant to section 12-285-120(1)(e), C.R.S.
 - a. A physical therapist may supervise up to four individuals at one time who are not physical therapists to assist in the physical therapist's clinical practice. This limit does not include student physical therapists and student physical therapist assistants supervised by a physical therapist for educational purposes.
 - b. A physical therapist shall regularly evaluate and observe the performance of any person under his/her supervision and/or direction to ensure that all physical therapy services rendered meet the standard of care for delegation to be continued.
3. Pursuant to the definitions provided in Rule 1.1(A), a physical therapist shall provide:
 - a. General supervision to a physical therapist assistant. However, pursuant to section 12-285-116(2), C.R.S., direct supervision is required if the physical therapist assistant is administering topical and aerosol medications when they are consistent within the scope of physical therapy practice and when any such medication is prescribed by a licensed health care practitioner who is authorized to prescribe such medication. A prescription or order shall be required for each such administration within a plan of care.
 - b. General supervision to a certified nurse aide in a home health care setting, as part of a physical therapist plan of care.
 - c. Direct supervision to a provisional physical therapist. In addition, the supervising physical therapist must perform records review and co-signature of notes.
 - d. Direct supervision to a physical therapy aide.
 - e. Direct supervision to an athletic trainer providing athletic training within a physical therapist plan of care.
 - f. Direct supervision to a massage therapist providing massage therapy within a physical therapist plan of care.
 - g. Immediate supervision to a student physical therapist or a student physical therapist assistant.

B. Supervision of Physical Therapist Assistants and Physical Therapy Aides

The purpose of this Rule is to specify supervisory provisions required by section 12-285-116(1), C.R.S., for physical therapist assistants certified in accordance with section 12-285-204, C.R.S., and physical therapy aides. This Rule applies to all physical therapists who utilize physical therapist assistants and/or aides in their practice. The physical therapist shall establish a patient relationship with the client prior to any delegation that has been deemed as allowable and appropriate pursuant to Article 285, Title 12, C.R.S., and Board Rules.

1. Physical Therapist Assistants

- a. For the purposes of these Rules, physical therapists may supervise physical therapist assistants performing physical therapy services as defined in section 12-285-104(6), C.R.S., and pursuant to Rule 1.1(A) and Rule 1.2(A) as determined by the physical therapist of record, except for interventions or services that are otherwise prohibited by law.
 - (1) Physical therapist assistants may perform non-selective wound care, but may not perform wound debridement.
 - (2) Physical therapist assistants may not perform dry needling.
 - (3) Physical therapist assistants may not perform joint mobilization, unless the supervising physical therapist has determined that the physical therapist assistant has the necessary degree of education, training and skill for safe patient care. Entry-level education is inadequate; additional formal continuing education (psychomotor and didactic) is required to perform joint mobilization. Thrust, high-velocity techniques are not within the scope of the physical therapist assistants' practice.
 - (4) Physical therapist assistants may not perform or assist a physical therapist in providing physical therapy of animals.
- a. The following condition must be met before a physical therapist can utilize a physical therapist assistant: a physical therapist must be designated and recorded in the patient/client records as responsible for supervising the care and interventions provided by the physical therapist assistant. The designated physical therapist must consistently provide for the planning, evaluating, and supervising of all care rendered to the patient/client.
- c. The physical therapist is responsible for the performance of all services performed by the physical therapist assistant. This responsibility requires the physical therapist to assure services are performed with a degree of care and skill appropriate to the physical therapist assistant's education and training.
- d. The physical therapist assumes accountability for the acts delegated to or performed by a physical therapist assistant. Before delegating performance of physical therapy services to a physical therapist assistant working under general supervision, as defined in Rule 1.1(A)(1), the supervising physical therapist shall ensure that the physical therapist assistant is qualified by education and training to perform the physical therapy services in a safe, effective, and efficient manner.
- e. A physical therapist assistant may not supervise other personnel in the provision of physical therapy services to a patient.
- f. A physical therapist assistant under the general supervision, as defined in Rule 1.1(A)(1), of a physical therapist may act as a clinical instructor for a physical therapist assistant student. However, immediate supervision, as defined in Rule 1.1(A)(3), of the student physical therapist assistant by the physical therapist is required if the physical therapist assistant student is providing physical therapy services.

2. Physical Therapy Aides

- a. All individuals not licensed as a physical therapist, not licensed as a provisional physical therapist, not certified as a physical therapist assistant, not authorized to practice as a student physical therapist or physical therapist assistant, and not otherwise regulated as a health care professional, shall be considered an aide for the purposes of this Rule.
- b. A physical therapy aide may participate in limited designated tasks, as assigned by a physical therapist. The supervising physical therapist must participate in patient care on each date of service when a physical therapy aide is involved in care. Supervision must also occur in compliance with Rule 1.1(A) and Rule 1.2(A).
- c. As to recordkeeping, a physical therapy aide may participate only in basic data recording in the medical record.
- d. Wound care/debridement, dry needling, administration of medications, joint mobilization, and treatment on animals shall not be delegated to a physical therapy aide. The supervising physical therapist shall ensure that the physical therapy aide is qualified by education and training to participate in limited designated tasks as assigned by the physical therapist.

C. Authorized Practice of Physical Therapy by a Person Not Licensed In Colorado

The purpose of this Rule is to clarify the following conditions under which a physical therapist not licensed in Colorado may practice for a temporary period of time pursuant to section 12-285-117(1)(e), C.R.S., which allows the practice of physical therapy in Colorado for no more than four consecutive weeks or more than once in any twelve-month period by a physical therapist licensed, certified, or registered in another state or country when providing services in the absence of a physical therapist licensed in Colorado. This provision is not available for a person applying for a license in Colorado whose application is pending review and potential approval. Additional requirements for eligibility including the following:

1. The entity wishing to employ or engage the services of a visiting, physical therapist who is not otherwise licensed in Colorado must notify the Board at least one week prior to the start date and must document the need for employing or engaging the services of a visiting physical therapist.
2. The visiting physical therapist must possess a current and active license, certification, or registration in good standing in another state or country and provide a copy of the license, certification, or registration to the Board at least one week prior to practicing in Colorado.
3. The visiting physical therapist must have been engaged in the active, clinical practice of physical therapy for two of the last five years in order to be eligible.

D. Licensure by Examination for Physical Therapists

The purpose of this Rule is to delineate the requirements for licensure by examination for physical therapists pursuant to section 12-285-110, C.R.S.

1. An applicant is required to demonstrate that they have successfully completed a physical therapy program that is either:
 - a. Accredited by a nationally recognized accrediting agency pursuant to Rule 1.1(C); or
 - b. Substantially equivalent pursuant to Rule 1.2(E).
2. If applying to take the National Physical Therapy Examination (NPTE), an applicant:

- a. Must have successfully completed a physical therapy program or be eligible to graduate within ninety days of a program pursuant to section (1) of this Rule; and
 - b. Must apply through the Federation of State Boards of Physical Therapy (FSBPT).
3. An applicant for licensure by examination must graduate from a physical therapy program pursuant to section (1) of this Rule and pass the NPTE within the two years immediately preceding the date of the application.
4. An applicant who is unable to meet the requirements under section (3) of this Rule may request to demonstrate competency by any other means. The Board shall consider such a request on a case-by-case basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and such other factors as the Board deems appropriate. If the Board grants a license under this section (4), the Board may subject said license to such lawful conditions as the Board finds are necessary to protect the public.
5. On or after May 1, 2019, an applicant must submit fingerprints for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the Colorado Bureau of Investigation, which is responsible for retaining the state's criminal records set forth in section 24-60-3702(3)(B), C.R.S.

E. Licensing of Foreign-Trained Physical Therapist Graduates of Non-Accredited Programs

The purpose of this Rule is to establish procedures for determining whether a foreign-trained physical therapist applicant who has graduated from a non-accredited program has substantially equivalent education and training as required pursuant to section 12-285-113(1)(a), C.R.S.

1. A foreign-trained applicant who has graduated from a non-accredited program must have education and training in physical therapy substantially equivalent to the entry-level education and training required at accredited physical therapy programs in the United States in effect at the time of the applicant's graduation. This includes an assessment of the applicant's general and professional education, as well as training in wound care and debridement.
2. Applicants who wish to have their general and professional education considered "substantially equivalent" in order to take the National Physical Therapy Examination (NPTE) through Colorado and qualify for licensure shall submit their credentials to the Foreign Credentialing Commission of Physical Therapy (FCCPT). The applicant must submit a credentials evaluation utilizing the version of the Coursework Evaluation Tool for Foreign-Educated Physical Therapists developed by the Federation of State Boards of Physical Therapy (FSBPT) that applies to the applicant's year of graduation in order to evaluate the applicant's credentials against the requirements at accredited physical therapy programs in place at the time of the applicant's graduation. The Board will not accept a credentials evaluation from an organization not listed in this Rule.
3. A foreign-trained applicant who has graduated from a non-accredited program and already passed the NPTE may submit a credentials evaluation from a credentialing agency other than FCCPT provided that:
 - a. The credentialing agency utilized the version of the Coursework Evaluation Tool for Foreign-Educated Physical Therapists developed by FSBPT that applies to the applicant's year of graduation in order to evaluate the applicant's credentials against the requirements at accredited physical therapy programs in place at the time of the applicant's graduation, and

- b. The applicant has been licensed in good standing and actively engaged in clinical practice as a licensed physical therapist in the United States for two out of the five years immediately preceding their application for licensure.
- 4. All expenses associated with the credential evaluation are the responsibility of the applicant.
- 5. Failure to have a credentials evaluation pursuant to the terms of this Rule will result in the Board denying the application.
- 6. In the event a foreign-trained applicant's general education is found to be deficient, the applicant may take and pass subject examinations from the College-Level Examination Program (CLEP) to overcome the deficiency in general education.
- 7. In the event a foreign-trained applicant's professional education is found to be deficient, the applicant shall either:
 - a. Successfully complete a Board-approved plan to overcome deficiencies; or
 - b. Overcome the deficiency by obtaining a master or doctorate degree at an accredited physical therapy program.
- 8. Degrees obtained in a transitional program are not equivalent to a professional entry-level physical therapy degree and will not be accepted for initial licensure.
- 9. On or after May 1, 2019, an applicant must submit fingerprints for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the Colorado Bureau of Investigation, which is responsible for retaining the state's criminal records set forth in section 24-60-3702(3)(B), C.R.S.

F. Licensure by Endorsement for Physical Therapists

- 1. The purpose of this Rule is to delineate the requirements for licensure by endorsement for physical therapists pursuant to the Occupational Credential Portability Program under sections 12-20-202(3) and 12-285-112, C.R.S. In order to be qualified for licensure by endorsement, an applicant must submit a completed application form, all supporting documentation, and the appropriate fee.
- 2. The Board may decline to issue a license to an applicant for licensure by endorsement pursuant to the Occupational Credential Portability Program if approving the license would violate an existing compact or reciprocity agreement or if the Board demonstrates by a preponderance of evidence, after notice and opportunity for a hearing, that the applicant:
 - a. Lacks the requisite substantially equivalent experience or credentials to practice physical therapy; or
 - b. Has committed an act that would be grounds for disciplinary action under the law governing the practice of physical therapy.
- 3. In accordance with section 12-20-202(3)(d), C.R.S., the Board has established the following criteria for determining whether an applicant possesses experience and credentials that are substantially equivalent to section 12-285-110, C.R.S. An applicant who possesses a current and unrestricted license, in good standing, to practice physical therapy under the laws of another jurisdiction may apply for licensure by endorsement.

All of the following factors must be attested to at the time of application for Colorado licensure by endorsement in order for the applicant to establish that their experience and credentials are substantially equivalent to the requirements of section 12-285-110, C.R.S.:

- a. The applicant has graduated from an accredited physical therapy program or graduated from a physical therapy program that the Board has determined to be substantially equivalent;
- b. The applicant has passed the National Physical Therapy Examination (NPTE);
- c. The applicant must attest that they:
 - (1) Have reported to the Board any injunction entered against her/him and any injunctive action pending against her/him on any license.
 - (2) Have reported any malpractice judgment, settlement, or claim, and any pending action or claim.
 - (3) Have reported any pending complaint, investigation, or disciplinary proceeding before the licensing, grievance, or disciplinary Board of any jurisdiction in which a license, registration or certification to practice physical therapy is held and where the complaint, investigation, or proceeding concerns the practice of physical therapy.
 - (4) Have reported any applicable felony conviction(s).
 - (5) Have reported to the Board any prior disciplinary action by another jurisdiction
 - (6) Have not committed any other acts that would be grounds for disciplinary action under section 12-285-120, C.R.S.
- d. The applicant must submit verification from each jurisdiction in which applicant has even been licensed, registered, certified, or enrolled. The verification can be retrieved by the applicant from the jurisdiction's website as long as the following information is included and can be verified if necessary:
 - (1) Date license was originally issued;
 - (2) Date of license expiration, if applicable;
 - (3) Disciplinary history, if applicable.

If the complete information is not available from the jurisdiction's website then the Verification of License Form must be completed by the jurisdiction.

- 4. On or after May 1, 2019, an applicant must submit fingerprints for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the Colorado Bureau of Investigation, which is responsible for retaining the state's criminal records set forth in section 24-60-3702(3)(B), C.R.S.

G. Reinstatement or Reactivation of an Expired or Inactive Physical Therapist License

The purpose of this Rule is to establish the qualifications and procedures for applicants seeking reinstatement of an expired physical therapist license or reactivation of an inactive physical therapist license pursuant to sections 12-20-202, 12-285-114 and 12-285-115, C.R.S.

1. An applicant seeking reinstatement or reactivation of a physical therapist license shall complete a reinstatement or reactivation application and pay a fee as established by the Director.
2. If the license has been expired or inactive for two years or less:
 - a. Effective November 1, 2016, and if:
 - (1) The licensee was practicing in Colorado until his/her license expired or was placed on inactive status during the renewal period ending October 31, 2016, the applicant shall demonstrate continuing professional competency pursuant to section 12-285-119, C.R.S., and Rule 1.2(M); or
 - (2) The licensee was practicing outside of Colorado until his/her license expired or was placed on inactive status during the renewal period ending October 31, 2016, the applicant may demonstrate continuing professional competency through an option listed in section (3) below.
 - b. Effective November 1, 2018, all applicants must demonstrate continuing professional competency pursuant to section 12-285-119, C.R.S., and Rule 1.2(M) for the two years immediately preceding the date the application is received.
3. If the license has been expired or inactive for more than two years, an applicant must establish "competency to practice" pursuant to section 12-20-202(2)(c)(II), C.R.S., by submitting one of the following:
 - a. Verification of an active, valid physical therapist license in good standing from another state or jurisdiction, along with proof of clinical physical therapy practice in that state or jurisdiction which includes a minimum of an average of 400 hours per year for the two years immediately preceding the date of application. The work experience must be attested as to the number of hours.
 - b. If an applicant has not practiced as a licensed physical therapist within the last ten years in another state or jurisdiction, then:
 - (1) Evidence of completing the Federation of State Boards of Physical Therapy's (FSBPT) online continuing competence learning and assessment tool (oPTion) or a comparable objective third-party assessment that compares a licensee's knowledge, skills, and abilities to the standards for entry-level practice accepted by the Board and an average of fifteen points of Professional Development Activities (PDA) pursuant to Rule 1.2(M)(3)(b)((1)-(3)) for each year the license has been expired or inactive (1.25 points for each month).
 - (a) The applicant must submit the results of the objective third-party assessment and the corresponding PDA points for Board consideration within one year of completing the objective third-party assessment.
 - (b) All points must be Category I, and directly related to the physical therapist's clinical practice and address any areas of deficiencies identified in the objective third-party assessment.

- (2) Completion of a 240-hour internship within six consecutive months using the most current version of the "Physical Therapist Clinical Performance Instrument" (CPI) as the professional standard and measure of continued competency or a comparable objective third-party assessment that compares a licensee's knowledge, skills, and abilities to the standards for entry-level practice accepted by the Board as required in Rule 1.2(F)(3)(b). Satisfactory completion of the internship shall require both 240 hours of internship practice and successful demonstration of entry-level performance on all skills on the CPI or comparable objective third-party assessment on electronic or paper form.
 - (3). Practice for six months on probationary status with a practice monitor subject to the terms established by the Board.
 - c. If an applicant has not practiced as a licensed physical therapist for the last ten or more years in another state or jurisdiction, then he or she is required to re-take and pass the National Physical Therapy Examination (NPTE).
 - d. An applicant who is unable to demonstrate competency under paragraphs (a), (b), or (c) of this section may request to demonstrate competency by any other means. The Board shall consider such a request on a case-by-case basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and such other factors as the Board deems appropriate. If the Board grants a license under this paragraph (d), the Board may subject said license to such lawful conditions as the Board finds are necessary to protect the public.
4. An applicant for reinstatement or reactivation who has actively practiced in Colorado on an expired or inactive license in violation of section 12-285-109, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the Physical Therapy Practice Act at section 12-285-101, *et seq.*, C.R.S., and in accordance with section 12-20-202, *et seq.*, C.R.S.

H. Use of Titles Restricted

The purpose of this Rule is to clarify the use of titles and educational degrees pursuant to section 12-285-107, C.R.S.

1. Obtaining a physical therapy license does not automatically entitle or confer upon the licensee the right to use the title "Dr." or "Doctor".
2. A licensed physical therapist can use the title "Doctor" or "Dr." only when such licensee has, in fact, been awarded a physical therapy doctorate degree (D.P.T.), or another academic or clinical doctorate degree (e.g., Ph.D., Sc.D.) from an accredited program by a nationally recognized accrediting agency as required pursuant to section 6-1-707, C.R.S., pertaining to the use of titles and degrees.
3. A physical therapist holding a doctorate degree may include the title "Doctor" or "Dr." only when accompanied by the words of the conferred degree following his/her legal name and after the title "P.T.", for example: "Dr. Jane/John Doe, P.T., D.P.T." or "Dr. Jane/John Doe, P.T., Ph.D."
4. A physical therapist not holding a physical therapy doctorate or transitional doctorate degree may not use the title D.P.T.

I. [Repealed eff. 11/14/2016]

J. Requirements for Physical Therapists to Perform Physical Therapy of Animals

The purpose of this Rule is to implement the requirements of sections 12-285-106(2)(b)(II) and 12-285-116(4), C.R.S., regarding the authority of physical therapists to treat animals.

1. A physical therapist must have the knowledge, skill, ability, and documented competency to perform an act that is within the scope of practice for physical therapists.
2. The Division of Professions and Occupations shall maintain a data base of all physical therapists that are qualified pursuant to this Rule to practice physical therapy of animals in this state.
3. All physical therapists that choose to practice physical therapy of animals shall provide the Board with such therapist's name, current address, education, and qualifications to perform physical therapy of animals for inclusion in the data base referenced in section (2) of this Rule. Information in the data base shall be open to public inspection at all times. Forms for physical therapists to provide such information shall be provided by the Board.
4. A physical therapist that desires to perform physical therapy of animals must comply with the following educational requirements:
 - a. Minimum of eighty contact hours over and above entry-level human physical therapy program course work for non-human animals, to include:
 - (1) FOUNDATION/CLINICAL SCIENCES
 - (a) Gross and applied non-human animal anatomy/physiology;
 - (b) Wound healing and response of tissues to disuse and remobilization in the non-human animal;
 - (c) Animal behavior;
 - (d) Animal restraint; and
 - (e) Zoonotic and infectious diseases.
 - (2) EXAMINATION/EVALUATION/PROGNOSIS/PT DIAGNOSIS
 - (a) Medical and surgical management of orthopedic, neurological, critically injured, geriatric, arthritic, and obese non-human animals; and
 - (b) Gait and other movement analyses.
 - (3) INTERVENTION/PLAN OF CARE/OUTCOME
 - (a) Therapeutic exercise applied to non-human animals;
 - (b) Therapeutic modalities; and
 - (c) Outcome assessment and documentation.

(4) CLINICAL EXPERIENCE

- (a) Documented successful completion of a minimum of 120 hours under the supervision of a licensed physical therapist listed in the data base maintained by the Division of Professions and Occupations to perform physical therapy of animals or a licensed veterinarian.
- 5. Prior to performing physical therapy of an animal, the physical therapist shall obtain veterinary medical clearance of the animal by a Colorado-licensed veterinarian and must document such clearance in the animal patient's record.
- 6. Veterinary medical clearance means:
 - a. The veterinarian has previously examined the animal patient and has provided a differential diagnosis, if appropriate; and
 - b. The veterinarian has cleared the animal for physical therapy.
- 7. It is expected that the physical therapist and the veterinarian will continue professional collaboration as necessary for the well-being of the animal patient.
- 8. Once veterinary medical clearance has been received; the physical therapist is responsible for developing the plan of care for the animal patient's physical therapy.
- 9. The animal patient's record must include the verbal or written veterinary medical clearance. If verbal clearance is received, the physical therapist must document the verbal clearance in the animal patient's record, including the name of the veterinarian, date, and time clearance was received.
- 10. Complaints against physical therapists alleging a violation related to animal physical therapy will be forwarded to the State Board of Veterinary Medicine for its review and advisory recommendation to the State Physical Therapy Board. The State Physical Therapy Board retains the final authority by statute for decisions related to discipline of any physical therapist.

K. Requirements for Physical Therapists to Perform Dry Needling

The purpose of this Rule is to establish requirements for a physical therapist to perform dry needling.

- 1. Dry needling is a physical intervention that uses a filiform needle to stimulate trigger points, diagnose and treat neuromuscular pain and functional movement deficits; is based upon Western medical concepts; requires an examination and diagnosis; and treats specific anatomic structures selected according to physical signs.
- 2. The performance of dry needling in accordance with this Rule is not the performance of acupuncture as defined in section 12-200-103, C.R.S., and is not a violation of section 12-200-108, C.R.S.
- 3. In order to perform dry needling, a physical therapist must have the knowledge, skill, ability, and documented competency to perform dry needling.
- 4. To be deemed competent to perform dry needling, a physical therapist must successfully complete a formalized course of study provided by a qualified licensed healthcare provider that:

- a. Includes a minimum of fifty hours of education of which forty hours must be in-person education. The education may be broken up into more than one part. A physical therapist is permitted the limited practice of dry needling once the physical therapist has completed thirty hours, as long as such practice is confined to the scope of the education already successfully completed. All parts of this education must be successfully completed within four years.
 - b. Includes specific knowledge and psychomotor objectives;
 - c. Includes clinical decision-making;
 - d. Includes written and psychomotor assessment of knowledge and skills.
5. The formalized course of study set forth in section (4) of this Rule may be completed during the physical therapist's entry level education. To apply this education to the requirements in section (4) of this Rule, the remaining parts of the education must be successfully completed within four years of the date of original licensure.
6. If the physical therapist has not completed at least fifty hours of dry needling training within four years, then the licensee must stop performing dry needling at any level until the licensee has completed at least fifty hours.
7. A physical therapist who meets the requirements set forth in section (4) of this Rule must maintain documentation regarding the successful completion of these requirements and shall provide the documentation upon request by the Board.
8. Dry needling in areas where there is a risk of pneumothorax or where neurovascular compromise could be life-threatening, shall be included after the licensee has been formally educated and has had the opportunity to practice in lower risk areas.
9. Physical therapists performing dry needling in their practice must have written informed consent signed by each patient for whom dry needling is provided. A copy of the signed consent form shall be available to the patient upon request. The written informed consent must include risks and benefits of dry needling, including the risk of pneumothorax, neurovascular compromise, and infection.
10. When dry needling is performed, documentation must include a description of the technique, tissues treated, and post treatment assessment.
11. Dry needling shall not be delegated and must be directly performed by a qualified, physical therapist including needle removal and post treatment assessment.
12. Dry needling must be performed in a manner consistent with generally accepted standards of practice, including clean needle technique, use of gloves, and safe needle and biohazardous waste disposal.
13. Physical therapists who were qualified to perform dry needling under previous versions of this Rule remain qualified as of the effective date of this Rule.

L. Inactive License Status for Physical Therapists

The purpose of this Rule is to outline the conditions and procedures governing inactive licensure status pursuant to section 12-285-115, C.R.S.

1. A physical therapist with an inactive license must not engage in any act or conduct that constitutes the practice of physical therapy while the physical therapist's license is inactive.
2. A physical therapist with an inactive license is exempt from the professional liability insurance requirements of section 12-285-118, C.R.S.
3. A physical therapist with an inactive license is exempt from the continuing professional competency requirements of section 12-285-119, C.R.S., and Rule 1.2(M).
4. A physical therapist may apply for reactivation of an inactive license by successfully meeting the requirements of Rule 1.2(G).

M. Continuing Professional Competency Requirements for Licensure Renewal

The purpose of this Rule is to establish a continuing professional competency program pursuant to section 12-285-119, C.R.S., wherein a physical therapist shall maintain and demonstrate continuing professional competency in order to renew a license to practice physical therapy in the state of Colorado.

Furthermore, pursuant to section 12-285-119(2), C.R.S., records of assessment or other documentation developed or submitted in connection with the continuing professional competency program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a physical therapist. A person or the Board shall not use the records or documents unless used by the Board to determine whether a physical therapist is maintaining continuing professional competency to engage in the profession.

1. Definitions
 - a. Continuing Professional Competency: The ongoing ability of a physical therapist to learn, integrate, and apply the knowledge, skills, and judgment to practice as a physical therapist according to generally accepted standards and professional ethical standards.
 - b. Continuing Professional Development (CPD): The Board program through which a licensee can satisfy the continuing professional competency requirements in order to renew, reinstate, or reactivate a license.
 - c. Deemed Status: A method to satisfy continuing professional competency requirements. A licensee who satisfies the continuing professional competency requirements of a Colorado state agency or department, an accrediting body recognized by the Board, or an entity approved by the Board pursuant to section 12-285-119(1)(c), C.R.S., may qualify under this method in lieu of completing the Board's CPD program.
 - d. Learning Plan: A Board approved form on which a licensee documents their goals and plans of learning that were developed from the licensee's Self-Assessment Tool (SAT). The plan can be amended/updated as needed during the renewal period.
 - e. Military Exemption: A method to satisfy continuing professional competency requirements. A licensee who has been approved for this exemption will not be required to meet continuing professional competency requirements during the renewal period in which they were approved by the Division of Professions and Occupations.
 - f. Professional Development Activities (PDA): learning activities undertaken to increase the licensee's knowledge and skill or hone existing knowledge and skill for the purpose of continuing professional development.

- g. Self-Assessment Tool (SAT): a practice tool in which a licensee can reflect upon a licensee's knowledge and skills pertaining to the foundational areas of physical therapy practice taking into account the licensee's current level and area of practice.
- 2. Continuing Professional Competency Requirements
 - a. Effective after the 2020 license renewal, or upon the completion of the first renewal of a license thereafter, the licensee shall demonstrate continuing professional competency in order to renew a license by:
 - (1) Participation in the Continuing Professional Development (CPD) program;
 - (2) Completion of the requirements for deemed status as defined in sections (1)(c) and (4) of this Rule; or
 - (3) Completion of the requirements for Military Exemption as defined in sections (1)(e) and (5) of this Rule.
 - b. A licensee shall attest at the time of the renewal of a license to their compliance with continuing professional competency requirements.
- 3. Continuing Professional Development Program
 - a. The Continuing Professional Development (CPD) program entails the following:
 - (1) The licensee shall complete the Self-Assessment Tool (SAT) once per two-year renewal period. A licensee shall use the Board approved form.
 - (2) The licensee shall complete the Learning Plan once per two-year renewal period using the Board approved form.
 - (3) Accrual of thirty hours of Professional Development Activities (PDA) per two-year renewal period.
 - b. Professional Development Activities (PDA)
 - (1) Professional Development Activities (PDA) must be relevant to the licensee's practice as a physical therapist and pertinent to the licensee's Learning Plan. The Board will not pre-approve specific courses or providers. The licensee shall determine which activities and topics will meet their Learning Plan, and select an appropriate provider.
 - (2) One contact hour equals one credit hour of Professional Development Activities (PDA).
 - (3) Professional Development Activities List. Activities are organized into the following two categories:
 - (a) Educational Coursework, Fellowships, or Residencies; or
 - (b) Other Professional Development Activities:
 - (i) Formalized Assessments;
 - (ii) Presentations, Research, and Publications;

- (iii) Mentoring or Supervision;
 - (iv) Independent or Group Study or In-Service; and
 - (v) Volunteer Service.
 - (4) Hours will be accepted if the activity is included in the Board's Professional Development Activities List. The Board may accept or reject activities submitted for consideration that are not identified on its list.
 - (5) Professional Development Activities will only apply for one two-year renewal period.
 - (6) A minimum of twenty of the thirty required hours must be in the Educational Coursework, Fellowships, or Residencies category.
 - b. Audit of Compliance. The following documentation is required for an audit of compliance of a licensee's Continuing Professional Development:
 - (1) The Learning Plan that is signed and executed which contains the licensee's goals in the form and manner as approved by the Board.
 - (2) Documentation of thirty hours of Professional Development Activities in compliance with the State Physical Therapy Board's Professional Development Activities List for documentation requirements for PDAs.
4. Deemed Status. The following criteria must be met in order to claim this status:
- a. In order to renew a license, a licensee shall attest to their Deemed Status.
 - b. To qualify, the licensee must be in full compliance with the requirements of the state agency or department during the entire two-year renewal period of the physical therapist's license and on track to successfully complete that program or have successfully completed it.
 - c. Licensees claiming Deemed Status are subject to an audit of compliance. To satisfy an audit of compliance, the licensee shall submit appropriate evidence of participation in a qualifying program through submission of:
 - (1) Proof from the Colorado state agency or department or contractual entity verifying that the licensee is in compliance with its continuing professional competency program; and
 - (2) A letter from the licensee's employer certifying dates of employment for the entire two-year license renewal period, without any break; or
 - (3) Other documentation approved by the Board which reflects the licensee's compliance with a program of continuing professional competency.
5. Military Exemption. Pursuant to section 12-20-302, C.R.S., licensees who have been called to federally funded active duty for more than 120 days for the purpose of serving in a war, emergency, or contingency may request an exemption from the continuing professional competency requirements for the renewal, reinstatement, or reactivation of a license for the two-year renewal period that falls within the period of service or within six months following the completion of service.

- a. Military exemptions must be approved by the Division of Professions and Occupations. Licensees seeking a military exemption shall submit a request in writing with evidence that the licensee's military service meets the criteria established in section 12-20-302, C.R.S.
 - b. After being granted a military exemption, in order to complete the renewal process, a licensee shall attest to their military exemption.
6. Records Retention. A licensee shall retain documentation demonstrating their compliance for two complete two-year renewal periods.
7. Non-Compliance. Falsifying an attestation or other documentation regarding the licensee's compliance with continuing professional competency requirements constitutes the falsification of information in an application and may be grounds for discipline pursuant to sections 12-285-120(1)(k) and (r), C.R.S.
8. Reinstatement and Reactivation. A licensee seeking to reinstate or reactivate a license which has been expired or inactivated for two years or less shall meet the competency requirements outlined in Rule 1.2(G)(2).

N. [Repealed eff. 11/14/2016]

O. Provisional Physical Therapist License

The purpose of this Rule is to establish the qualifications and procedures for applicants seeking a provisional license to practice as a physical therapist pursuant to section 12-285-111, C.R.S. Refer to Rule 1.2(A) for applicable supervision requirements.

1. A provisional license may be issued only one time and cannot be renewed or reinstated.
2. An applicant is not eligible to be issued a provisional physical therapist license if he/she has failed or passed the National Physical Therapy Examination (NPTE).
3. Pursuant to section 12-285-111, C.R.S., a provisional physical therapist license expires no later than 120 days after it is issued. If the individual passes the NPTE after the license was issued, then the license will expire no later than the 120 days after the date it was issued, or a regular license to practice as a physical therapist is issued to the licensee. However, if the individual issued a provisional license fails the NPTE after the license was issued, then the license expires within three business days of his/her failing results being sent to the candidate.
4. A provisional physical therapist shall purchase and maintain professional liability insurance, or be insured under a supervising physical therapist, for the amounts specified in section 12-285-118(1), C.R.S., unless the provisional physical therapist is exempted pursuant to section 12-285-118(3), C.R.S.

1.3 PHYSICAL THERAPIST ASSISTANT RULES

A.. Supervision Required for Physical Therapist Assistant Practice

The purpose of this Rule is to clarify supervision parameters pursuant to section 12-285-203(2), C.R.S.

Physical therapist assistants ("P.T.A.") shall not provide physical therapy services unless the physical therapist assistant works under the general supervision, as defined in Rule 1.1(A)(1), of a licensed physical therapist.

B. Supervision of Others by Physical Therapist Assistants Prohibited

The purpose of this Rule is to clarify supervisory parameters pursuant to section 12-285-106(2)(b), C.R.S.

1. A physical therapist assistant may not supervise other personnel in the provision of physical therapy services to a patient.
2. A physical therapist assistant under the general supervision, as defined in Rule 1.1(A)(1), of a physical therapist may act as a clinical instructor for a physical therapist assistant student. However, immediate supervision, as defined in Rule 1.1(A)(3), of the student physical therapist assistant remains with the physical therapist if the physical therapist assistant student is providing physical therapy services.

C. Certification by Examination for Physical Therapist Assistants

The purpose of this Rule is to delineate the requirements for certification by examination for physical therapist assistants pursuant to section 12-285-205, C.R.S.

1. An applicant is required to demonstrate that the applicant has successfully completed a physical therapy program pursuant to Rule 1.2(D) or a physical therapist assistant program that is either:
 - a. Accredited by a nationally recognized accrediting agency pursuant to Rule 1.1(C);
 - or
 - b. Substantially equivalent pursuant to Rule 1.3(D).
2. If applying to take the National Physical Therapy Examination (NPTE), an applicant:
 - a. Must have successfully completed a physical therapy or physical therapist assistant program, or be eligible to graduate within ninety days of a program pursuant to section (1) of this Rule; and
 - b. Must apply through the Federation of State Boards of Physical Therapy (FSBPT).
3. An applicant for certification by examination must graduate from a physical therapy or physical therapist assistant program pursuant to section (1) of this Rule and pass the NPTE within the two years immediately preceding the date of the application.
4. An applicant who is unable to meet the requirements under section (3) of this Rule may request to demonstrate competency by any other means. The Board shall consider such a request on a case-by-case basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and such other factors as the Board deems appropriate. If the Board grants a certification under this section (4), the Board may subject said certification to such lawful conditions as the Board finds are necessary to protect the public.
5. On or after May 1, 2019, an applicant must submit fingerprints for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the Colorado Bureau of Investigation, which is responsible for retaining the state's criminal records set forth in section 24-60-3702(3)(B), C.R.S.

D. Certification of Foreign-Trained Physical Therapist Assistant Graduates of Non-Accredited Programs

The purpose of this Rule is to establish procedures for determining whether a foreign-trained physical therapist assistant applicant who has graduated from a non-accredited program has substantially equivalent education and training as required pursuant to section 12-285-207(1)(a), C.R.S

1. A foreign-trained applicant who has graduated from a non-accredited program must have education and training as a physical therapist assistant substantially equivalent to the entry-level education and training required at accredited physical therapist assistant programs in the United States in effect at the time of the applicant's graduation. This includes but is not limited to an assessment of the applicant's foundational studies and applied and technical education, as well as training in non-selective wound care.
2. Applicants who wish to have their foundational studies, and applied/technical education considered "substantially equivalent" in order to take the National Physical Therapy Examination (NPTE) through Colorado and qualify for certification shall submit their credentials to the Foreign Credentialing Commission of Physical Therapy (FCCPT). The applicant must submit a credentials evaluation utilizing the version of the Coursework Tool for Foreign Educated Physical Therapist Assistants developed by the Federation of State Boards of Physical Therapy (FSBPT) that applies to the applicant's year of graduation in order to evaluate the applicant's credentials against the requirements at accredited physical therapist assistant programs in place at the time of the applicant's graduation. The Board will not accept a credentials evaluation from an organization not listed in this Rule.
3. A foreign-trained applicant who has graduated from a non-accredited program and already passed the NPTE may submit a credentials evaluation from a credentialing agency other than FCCPT provided that:
 - a. The credentialing agency utilized the version of the Coursework Evaluation Tool for Foreign-Educated Physical Therapists developed by FSBPT that applies to the applicant's year of graduation in order to evaluate the applicant's credentials against the requirements at accredited physical therapist assistant programs in place at the time of the applicant's graduation; and
 - b. The applicant has been licensed, certified, or registered in good standing and actively engaged in clinical practice as a physical therapist assistant in the United States for two out of the five years immediately preceding his or her application for certification.
4. All expenses associated with the credentials evaluation are the responsibility of the applicant.
5. Failure to have a credentials evaluation pursuant to the terms of this Rule will result in the Board denying the application.
6. In the event a foreign-trained applicant's foundational studies are found to be deficient, the applicant may take and pass subject examinations from the College-Level Examination Program (CLEP) to overcome the deficiency in general education.
7. In the event a foreign-trained applicant's applied and technical education is found to be deficient, the applicant shall either:
 - a. Successfully complete a Board-approved plan to overcome deficiencies; or
 - b. Overcome the deficiency by obtaining an associate degree from an accredited physical therapist assistant program.

8. On or after May 1, 2019, an applicant must submit fingerprints for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the Colorado Bureau of Investigation, which is responsible for retaining the state's criminal records set forth in section 24-60-3702(3)(B), C.R.S.

E. Certification by Endorsement for Physical Therapist Assistants

1. The purpose of this Rule is to delineate the requirements for certification by endorsement for physical therapist assistants pursuant to the Occupational Credential Portability Program under sections 12-20-202(3) and 12-285-206, C.R.S. In order to be qualified for certification by endorsement, an applicant must submit a completed application form, all supporting documentation, and the appropriate fee.
2. The Board may decline to issue a certificate to an applicant for certification by endorsement pursuant to the Occupational Credential Portability Program if approving the certificate would violate an existing compact or reciprocity agreement or if the Board demonstrates by a preponderance of evidence, after notice and opportunity for a hearing, that the applicant:
 - a. Lacks the requisite substantially equivalent experience or credentials to practice as a physical therapist assistant; or
 - b. Has committed an act that would be grounds for disciplinary action under the law governing the practice of physical therapist assistants.
3. In accordance with 12-20-202(3)(d), C.R.S., the Board has established the following criteria for determining whether an applicant possesses experience and credentials that are substantially equivalent to section 12-285-205, C.R.S. An applicant who possesses a current and unrestricted license, in good standing, to practice as a physical therapist assistant under the laws of another jurisdiction may apply for certification by endorsement.

All of the following must be attested to at the time of application for Colorado certification by endorsement in order for the applicant to establish that their experience and credentials are substantially equivalent to the requirements of section 12-285-205, C.R.S.:

- a. The applicant has graduated from an accredited physical therapy or physical therapist assistant program or graduated from a physical therapy or physical therapist assistant program that the Board has determined to be substantially equivalent;
- b. The applicant passed the National Physical Therapy Examination (NPTE);
- c. The applicant must attest that they:
 - (1) Have reported to the Board any injunction entered against her/him and any injunctive action pending against her/him on any license.
 - (2) Have reported any malpractice judgment, settlement, or claim, and any pending action or claim.
 - (3) Have reported any pending complaint, investigation, or disciplinary proceeding before the licensing, grievance, or disciplinary Board of any jurisdiction in which a license, registration or certification to practice as a physical therapist assistant is held and where the complaint, investigation, or proceeding concerns the practice as a physical therapist assistant.
 - (4) Have reported any applicable felony conviction(s).

- (5) Have reported to the Board any prior disciplinary action by another jurisdiction.
- (6) Have not committed any other acts that would be grounds for disciplinary action under section 12-285-211, C.R.S.
- d. The applicant must submit verification from each jurisdiction in which applicant has even been licensed, registered, certified, or enrolled. The verification can be retrieved by the applicant from the jurisdiction's website as long as the following information is included and can be verified if necessary:
 - (1) Date license was originally issued;
 - (2) Date of license expiration, if applicable;
 - (3) Disciplinary history, if applicable.

If the complete information is not available from the jurisdiction's website then the Verification of License Form must be completed by the jurisdiction.

- 4. On or after May 1, 2019, an applicant must submit fingerprints for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the Colorado Bureau of Investigation, which is responsible for retaining the state's criminal records set forth in section 24-60-3702(3)(B), C.R.S.

F. Reinstatement of an Expired Certification for Physical Therapist Assistants

The purpose of this Rule is to establish the qualifications and procedures for applicants seeking reinstatement of an expired physical therapist assistant certification pursuant to sections 12-20-202 and 12-285-208, C.R.S.

- 1. An applicant seeking reinstatement of an expired physical therapist assistant certification shall complete a reinstatement application and pay a reinstatement fee as established by the Director.
- 2. If the certification has been expired for more than two years, an applicant must establish "competency to practice" pursuant to 12-20-202(2)(c)(II)(A) & (D), C.R.S., by submitting one of the following:
 - a. Verification of an active, valid physical therapist assistant license, certification, or registration in good standing from another state or jurisdiction, along with proof of clinical physical therapy practice in that state or jurisdiction which includes a minimum of an average of 400 hours per year for the two years immediately preceding the date of application. The work experience must be attested as to the number of hours.
 - b. If an applicant has not practiced as a licensed, certified, or registered physical therapist assistant within the last ten years in another state or jurisdiction, then:
 - (1) Evidence of completing an objective third-party assessment that compares a certificate holder's knowledge, skills, and abilities to the standards for entry-level practice accepted by the Board and an average of thirty hours per year in physical therapy continuing education courses since the date the certification expired.

- (a) The applicant must submit the results of the objective third-party assessment and the corresponding continuing education hours for Board consideration within one year of completing the objective third-party assessment.
 - (b) All continuing education hours must be Category I in compliance with the "Physical Therapy Board Standards for Continuing Education Activities", and directly related to the physical therapist assistant's clinical practice and address any areas of deficiencies identified in the objective third-party assessment.
 - (c) The Board may accept two-and-a-half hours for each month the certification is expired.
 - (2) Completion of a 240-hour internship within six consecutive months using the most current version of the "Physical Therapist Assistant Clinical Performance Instrument" (CPI) as the professional standard and measure of continued competency or a comparable objective third-party assessment that compares a certificate holder's knowledge, skills, and abilities to the standards for entry-level practice accepted by the Board as required in Rule 1.3(E)(3)(b). Satisfactory completion of the internship shall require both 240 hours of internship practice and successful demonstration of entry-level performance on all skills on the CPI or comparable objective third-party assessment on electronic or paper form.
 - (3) Practice for six months on probationary status with a practice monitor subject to the terms established by the Board.
 - c. If an applicant has not practiced as a licensed, certified, or registered physical therapist for the last ten or more years in another state or jurisdiction, then he/she is required to re-take and pass the National Physical Therapy Examination (NPTE).
 - d. An applicant who is unable to demonstrate competency under paragraphs (a), (b), or (c) of this section may request to demonstrate competency by any other means. The Board shall consider such a request on a case-by-case basis. The decision to approve such a request shall be at the sole discretion of the Board. In considering whether to approve such a request, the Board shall consider public safety, the particular circumstances and hardships faced by the applicant, and such other factors as the Board deems appropriate. If the Board grants a certification under this paragraph (d), the Board may subject said certification to such lawful conditions as the Board finds are necessary to protect the public.
3. An applicant for reinstatement who has actively practiced in Colorado on an expired certification in violation of section 12-285-204, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the Physical Therapy Practice Act at section 12-285-201 *et seq.*, C.R.S., and in accordance with section 12-20-202 *et seq.*, C.R.S.

G. Continuing Professional Competency Requirements for Certification Renewal for Physical Therapist Assistant

The purpose of this Rule is to establish a continuing professional competency program pursuant to section 12-285-209, C.R.S., wherein a physical therapist assistant shall maintain and demonstrate continuing professional competency in order to renew a certification to practice as a physical therapy assistant in the state of Colorado.

Furthermore, pursuant to section 12-285-209(2), C.R.S., records of assessment or other documentation developed or submitted in connection with the continuing professional competency program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a physical therapist assistant. A person or the Board shall not use the records or documents unless used by the Board to determine whether a physical therapist assistant is maintaining continuing professional competency to engage in the profession.

1. Definitions

- a. Continuing Professional Competency: the ongoing ability of a physical therapist assistant to learn, integrate, and apply the knowledge, skills, and judgment to practice as a physical therapist assistant according to generally accepted standards and professional ethical standards.
- b. Continuing Professional Development (CPD): the Board program through which a physical therapy assistant can satisfy the continuing professional competency requirements in order to renew, reinstate, or reactivate a certification.
- c. Deemed Status: A physical therapist assistant who satisfies the continuing professional competency requirements of a Colorado state agency or department, an accrediting body recognized by the Board, or an entity approved by the Board pursuant to section 12-285-209(1)(c), C.R.S., may qualify under this method in lieu of completing the Board's CPD program.
- d. Learning Plan: A Board approved form through which a physical therapist assistant documents their goals and plans of learning that were developed from their Self-Assessment Tool (SAT), which was defined below. A physical therapist assistant shall execute their learning plan by completing Professional Development Activities (PDA) as required before a certification is renewed.
- e. Military Exemption: A method to satisfy continuing professional competency requirements. A physical therapist assistant who has been approved for this exemption will not be required to meet continuing professional competency requirements during the renewal period in which they were approved by the Division of Professions and Occupations.
- f. Professional Development Activities (PDA): Learning activities undertaken to increase the physical therapist assistant's knowledge and skill or hone existing skill for the purpose of continuing professional development.
- g. Self-Assessment Tool (SAT): A practice tool in which a physical therapist assistant can reflect upon the knowledge and skills pertaining to the foundational areas of physical therapist assistant's practice taking into account their current level and area of practice.

2. Continuing Professional Competency Requirements

- a. Effective after the 2020 certification renewal, or upon the completion of the first renewal of a certification thereafter, the physical therapist assistant shall demonstrate continuing professional competency in order to renew a certification by:
 - (1) Participation in the Continuing Professional Development (CPD) program;

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- (2) Participation in a program of continuing professional competency through a Colorado state agency or department, including continuing competency requirements imposed through a contractual arrangement with a provider as set forth in section 12-285-209(1)(c), C.R.S. This status is defined as “Deemed Status” in section (1)(c) of this Rule and further described in section (4) of this Rule; or
 - (3) Receiving an exemption for military service as defined in section 12-20-302, C.R.S. Military exemptions must be approved by the Division of Professions and Occupations. Physical therapist assistants seeking a military exemption shall submit a request in writing with evidence that their military service meets the criteria established in section 12-20-302, C.R.S., and section (5) of this Rule.
 - b. A physical therapist assistant shall attest at the time of the renewal of a certification to their compliance with continuing professional competency requirements.
 - 3. Continuing Professional Development Program
 - a. The Continuing Professional Development (CPD) program entails the following:
 - (1) The physical therapist assistant shall complete the Self-Assessment Tool (SAT) once per two-year renewal period. A physical therapist assistant shall use the Board approved form.
 - (a) The execution of a Learning Plan once per two-year renewal period that is based on the physical therapist assistant’s Self-Assessment Tool (SAT). A physical therapist assistant shall use the Board approved form.
 - (b) Accrual of twenty hours of Professional Development Activities (PDA) per two-year renewal period.
 - b. Professional Development Activities (PDA)
 - (1) Professional Development Activities must be relevant to the physical therapist assistant’s practice as a physical therapist assistant and pertinent to their Learning Plan. The Board will not pre-approve specific courses or providers. The physical therapist assistant shall determine which activities and topics will meet their Learning Plan and select an appropriate provider.
 - (2) One contact hour equals one credit hour of Professional Development Activities (PDA).
 - (3) Professional Development Activities List. Activities are Organized into the following two categories:
 - (a) Educational Coursework, Fellowships, or Residencies; and
 - (b) Other Professional Development Activities:
 - (i) Formalized Assessments;
 - (ii) Presentations, Research, and Publications;
 - (iii) Mentoring or Supervision;

- (iv) Independent or Group Study or In-Service; and
 - (v) Volunteer Service.
 - (4) Hours will be accepted if the activity is included in the Board's Professional Development Activities List. The Board may accept or reject activities submitted for consideration that are not identified on its list.
 - (5) Professional Development Activities will only apply for one two-year renewal period.
 - (6) A minimum of fifteen of the twenty required hours must be in the Educational Coursework, Fellowships, and Residencies category.
 - c. Audit of Compliance. The following documentation is required for an audit of compliance of a physical therapist assistant's Continuing Professional Development.
 - (1) The Learning Plan that is signed and executed which contains the physical therapist assistant's goals in the form and manner approved by the Board.
 - (2) Documentation of twenty hours of Professional Development Activities (PDA) in compliance with the Board's Professional Development Activities List for documentation requirements for PDAs.
 - (3) The Board may accept or reject Professional Development Activities (PDA) that do not meet the criteria established by the Board's Professional Development Activities (PDA) List and this Rule.
4. Deemed Status. The following criteria must be met in order to claim this status:
- a. In order to renew a certification, a physical therapist assistant shall attest to their Deemed Status.
 - b. To qualify, the physical therapist assistant must be in full compliance with the requirements of their state agency or department during the entire two-year renewal period of their physical therapist assistant certification and on track to successfully complete the program or have successfully completed it.
 - c. Physical therapist assistants claiming Deemed Status are subject to an audit of compliance. To satisfy an audit of compliance the physical therapist assistant shall submit an appropriate evidence of participation in a qualifying program through submission of:
 - (1) Proof from the Colorado State agency or department or contractual entity verifying that the physical therapist assistant is in compliance with its continuing professional competency program; and
 - (2) A letter from their employer certifying dates of employment for the entire two-year certification renewal period, without any break; or
 - (3) Other documentation approved by the Board which reflects the physical therapist's assistant's compliance with a program of continuing professional competency.

5. Military Exemption. Pursuant to section 12-20-302, C.R.S., physical therapist assistants who have been called to federally funded active duty for more than 120 days for the purpose of serving in a war, emergency, or contingency may request an exemption from the continuing professional competency requirements for the renewal, reinstatement, or reactivation of their certification for the two-year renewal period that falls within the period of service within six months following the completion of service.
 - a. Military exemptions must be approved by the Division of Professions and Occupations. Physical therapist assistants seeking military exemption shall submit a request in writing with evidence that the physical therapist assistant's military service meets the criteria established in 12-20-302, C.R.S.
 - b. After being granted a military exemption, in order to complete the renewal process, a physical therapist assistant shall attest to their military exemption.
6. Records Retention. A physical therapist assistant shall retain documentation demonstrating their compliance for two complete two-year renewal periods.
7. Non-Compliance. Falsifying an attestation or other documentation regarding the physical therapist assistant's compliance with continuing professional competency requirements constitutes the falsification of information in an application and may be grounds for discipline pursuant to sections 12-285-211(1)(g) and (n), C.R.S.
8. Reinstatement and Reactivation. A physical therapist assistant seeking to reinstate or reactivate a certification which has been expired or inactivated for two years or more shall meet the competency requirements outlined in Rule 1.3(F)(2)

1.4 Temporary Licensure of Physical Therapists and Physical Therapist Assistants pursuant to the Governor's Executive Order D 2020 158

- A. Basis. Through Executive Order D 2020 158, Governor Jared Polis governor temporarily suspended the emergency rulemaking authorities for the State Board of Physical Therapy ("Board") set forth in section 12-285-105(1)(b), C.R.S, and directed the Executive Director of DORA, through the Director of the Division of Professions and Occupations (Division Director), to promulgate and issue temporary emergency rules consistent with the Executive Order. The basis for these emergency rules is Executive Order D 2020 158 issued by Governor Jared Polis pursuant to the State of Emergency Declaration found in Executive Orders D 2020 003, D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109 and D 2020 125, Article IV, Section 2 of the Colorado Constitution, and the Colorado Disaster Emergency Act, sections 24-33.5-701, *et. seq.*, C.R.S.
- B. Purpose. These Emergency Rules are adopted by the Executive Director of the Department of Regulatory Agencies, through the Division Director, to effectuate Executive Order D 2020 158 directing the immediate expansion of the workforce of trained medical personnel available to provide healthcare services within inpatient facilities due to the coronavirus disease 2019 (COVID-19) pandemic in Colorado.
- C. Temporary Licensure for Physical Therapists. The Board may issue a temporary license to an applicant that is a new graduate of an approved physical therapy program as set forth in section 12-285-110(1)(a), C.R.S., and who meets all qualifications for licensure with the exception of successful completion of the required examination as set forth in section 12-285-110(1)(b), C.R.S.
 1. Physical Therapist new graduates must submit an application for temporary licensure.

2. A temporary license issued from May 1, 2020, through August 29, 2020, is effective from the date of issuance through December 31, 2020.
 - a. New graduates issued a temporary license between May 1, 2020 through August 29, 2020 may apply for a second temporary license to expire 60 days after the applicant is scheduled to sit for the examination subject to the following terms:
 - (1) The applicant shall submit documentation of registration for the required examination and a statement by the examination vendor affirming the applicant is registered for the next available examination; and,
 - (2) The applicant shall attest that the scheduled examination in section (C)(2)(a)(1) of this rule is the applicants first attempt to successfully complete the examination.
 - b. On January 1, 2021, if a full license to practice physical therapy in Colorado has not been issued, the temporary licensee shall cease practice immediately and until such time as full licensure to practice physical therapy in Colorado has been granted or another temporary license has been issued pursuant to this Rule 1.4.
 3. An initial temporary license issued to a new graduate on or after August 30, 2020 is effective from the date of issuance through March 31, 2021.
 - a. On April 1, 2021, if a full license to practice physical therapy in Colorado has not been issued, the temporary licensee shall cease practice immediately and until such time as full licensure to practice physical therapy in Colorado has been granted.
 4. Physical therapy applicants granted this temporary licensure shall practice under the direct supervision of a Colorado licensed physical therapist in good standing during the entire term of the temporary licensure.
 5. For the purpose of this emergency rule, "direct supervision" means the Colorado licensed physical therapist must be on the premises with the temporary physical therapist licensee and immediately available to respond to an emergency or provide assistance.
 6. For the purpose of this emergency rule, "premises" means within the same building, office or facility and within the physical proximity to establish direct contact with the patient should the need arise.
 7. Once the temporary licensee successfully completes the statutorily required examination, the temporary licensee must submit an application and the required fee for full licensure within 15 business days of receipt of examination score.
 8. This temporary license is not renewable and does not create a property interest for the holder of the temporary license.
 9. The temporary licensee may be subject to discipline by the Board as defined in section 12-285-101, *et seq.*, C.R.S.
- D. Temporary Licensure for Physical Therapist Assistants. The Board may issue a temporary certification to an applicant that is a new graduate of an approved physical therapist assistant program as set forth in section 12-285-205(1)(a), C.R.S., and who meets all qualifications for certification with the exception of successful completion of the required examination as set forth in section 12-285-205(1)(b), C.R.S.

1. Physical therapist assistant new graduates must submit an application for temporary licensure.
2. A temporary license issued from May 1, 2020, through August 29, 2020, is effective from the date of issuance through December 31, 2020,
 - a. New graduates issued a temporary license between May 1, 2020 through August 29, 2020 may apply for a second temporary license to expire 60 days after the applicant is scheduled to sit for the examination subject to the following terms:
 - (1) The applicant shall submit documentation of registration for the required examination with a statement by the examination vendor affirming the applicant is registered for the next available examination; and,
 - (2) The applicant shall attest that the scheduled examination in section (2)(a)(1) of this rule is the applicants first attempt to successfully complete the examination.
 - b. On January 1, 2021, if a full license to practice as a physical therapist assistant in Colorado has not been issued, the temporary licensee shall cease practice immediately and until such time as full licensure to practice as a physical therapist assistant in Colorado has been granted or another temporary license has been issued pursuant to this Rule 1.4.
3. An initial temporary license issued to a new graduate on or after August 30, 2020 is effective from the date of issuance through March 31, 2021.
 - a. On April 1, 2021, if a full license to practice as a physical therapist assistant in Colorado has not been issued, the temporary licensee shall cease practice immediately and until such time as full licensure to practice as a physical therapist assistant in Colorado has been granted.
4. Physical therapist assistant applicants granted this temporary licensure shall practice under the direct supervision of a Colorado licensed physical therapist in good standing during the entire term of the temporary licensure.
5. For the purpose of this emergency rule, "direct supervision" means the Colorado licensed physical therapist must be on the premises with the temporary physical therapist licensee and immediately available to respond to an emergency or provide assistance.
6. For the purpose of this emergency rule, "premises" means within the same building, office or facility and within the physical proximity to establish direct contact with the patient should the need arise.
7. Once the temporary licensee successfully completes the statutorily required examination, the temporary licensee must submit an application and the required fee for full licensure within 15 business days of receipt of examination score.
8. This temporary license is not renewable and does not create a property interest for the holder of the temporary license.
9. The temporary licensee may be subject to discipline by the Board as defined in section 12-285-101, *et seq.*, C.R.S.

1.5 Expanded Scope of Practice for Physical Therapists and Physical Therapist Assistants pursuant to the Governor's Executive Order D 2020 038

- A. Basis. Through Executive Order D 2020 158, Governor Jared Polis governor temporarily suspended the emergency rulemaking authorities for the State Board of Physical Therapy ("Board") set forth in section 12-285-105(1)(b), C.R.S., and directed the Executive Director of DORA, through the Director of the Division of Professions and Occupations (Division Director), to promulgate and issue temporary emergency rules consistent with the Executive Order. The basis for these emergency rules is Executive Order D 2020 158 issued by Governor Jared Polis pursuant to the State of Emergency Declaration found in Executive Orders D 2020 003, D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109 and D 2020 125, Article IV, Section 2 of the Colorado Constitution, and the Colorado Disaster Emergency Act, sections 24-33.5-701, *et. seq.*, C.R.S.
- B. Purpose. These Emergency Rules are adopted by the Executive Director of the Department of Regulatory Agencies, through the Division Director, to effectuate Executive Order D 2020 158 directing the immediate expansion of the workforce of trained medical personnel available to provide healthcare services within inpatient facilities due to the coronavirus disease 2019 (COVID-19) pandemic in Colorado.
- C. Expanded Scope of Practice. Physical therapists and physical therapist assistants may perform services while working in a hospital or inpatient facility as delegated by physicians, physician assistants, advanced practice registered nurses, certified registered nurse anesthetists, professional nurses and respiratory therapists.
1. Physical therapists and physical therapist assistants are authorized to perform delegated services upon adequate cross-training as determined necessary by the hospital or inpatient facility.
 2. Physical therapists and physical therapist assistants shall not accept delegation of a service for which the licensee does not possess the knowledge, skill or training to perform.
 3. Physical therapists and physical therapist assistants shall not perform a delegated service for which the licensee does not possess the knowledge, skill or training to perform.
 4. Delegated services shall not be re-delegated to another person or licensee by the delegatee
 5. Physical therapists and physical therapist assistants shall not prescribe or select medications, perform surgical or other invasive procedures or perform anesthesia services outside of statutory scope of practice regardless of delegation.

1.6 REQUIRED DISCLOSURE TO PATIENTS – CONVICTION OF OR DISCIPLINE BASED ON SEXUAL MISCONDUCT (Section 12-30-115, C.R.S.)

- A. On or after March 1, 2021, a licensee or a certificate holder shall disclose to a patient, as defined in section 12-30-115(1)(a), C.R.S., instances of sexual misconduct, including a conviction or guilty plea as set forth in section 12-30-115 (2)(a), C.R.S., or final agency action resulting in probation or limitation of licensee ability to practice as set forth in section 12-30-115(2)(b), C.R.S.

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- B. Form of Disclosure: The written disclosure shall include all information specified in section 12-30-115(3), C.R.S., and consistent with the sample model disclosure form as set forth in Appendix A to these rules. The patient must, through his or her signature on the disclosure form, acknowledge the receipt of the disclosure and agree to treatment with the licensee or certificate holder.
- C. Timing of Disclosure: This disclosure shall be provided to a patient the same day the patient schedules a "professional services" appointment with the licensee or certificate holder. If an appointment is scheduled the same day that services will be provided, the disclosure must be provided in advance of the treatment.
1. The written disclosure and agreement to treatment must be completed prior to each treatment appointment with a patient/client, unless the treatment will occur in a series over multiple appointments or a patient/client schedules follow-up treatment appointments.
 2. For treatment series or follow-up treatment appointments, one disclosure prior to the first appointment is sufficient, unless the information the licensee or certificate holder is required to disclose pursuant to Section 12-30-115, C.R.S., has changed since the most recent disclosure, in which case an updated disclosure must be provided to a patient/client and signed before treatment may continue.
 3. A licensee or certificate holder who does not have a direct treatment relationship or have direct contact with the patient is not required to make the disclosure required by this section.
- D. As set forth in section 12-30-115(3)(e), C.R.S., the requirement to disclose the conviction, guilty plea, or agency action ends when the provider has satisfied the requirements of the probation or other limitation and is no longer on probation or otherwise subject to a limitation on the ability to practice the provider's profession.
- E. A licensee or certificate holder is not required to provide the written disclosure BEFORE providing professional services to the patient in the following instances as set forth in section 12-20-115(4), C.R.S:
1. The patient is unconscious or otherwise unable to comprehend the disclosure and a guardian of the patient is unavailable; or
 2. The patient visit occurs in an emergency room or freestanding emergency department or the visit is unscheduled, including consultations in inpatient facilities; or
 3. The licensee or certificate holder providing the professional service to the patient is not known to the patient until immediately prior to the start of the visit; or
 4. The licensee or certificate holder does not have a direct treatment relationship or have direct contact with the patient.

APPENDIX A

MODEL SEXUAL MISCONDUCT DISCLOSURE STATEMENT

DISCLAIMER: This Model Sexual Misconduct Disclosure Statement is to be used as a guide only and is aimed only to assist the licensee or certificate holder in complying with section 12-30-115, C.R.S., and the rules promulgated pursuant to this statute by the relevant regulator. As a licensee or certificate holder in the State of Colorado, you are responsible for ensuring that you are in compliance with state statutes and rules. While the information below must be included in your Sexual Misconduct Disclosure Statement pursuant to section 12-30-115, C.R.S., you are welcome to include additional information that specifically applies to your situation and practice.

- A. Licensee or certificate holder information, including, at a minimum: name, business address, and business telephone number.
- B. Pursuant to section 12-30-115, C.R.S., and the rules promulgated pursuant to this statute by the relevant regulator, a listing of any final convictions of or acceptances of guilty pleas by a court for a sex offense, as defined in section 16-11.7-102(3), C.R.S.

For each, the provider shall provide, at a minimum:

- 1. The date that the final judgment of conviction or acceptance of a guilty plea was entered;
 - 2. The nature of the offense or conduct that led to the final conviction or guilty plea;
 - 3. The type, scope, and duration of the sentence or other penalty imposed, including whether:
 - a. The provider entered a guilty plea or was convicted pursuant to a criminal adjudication;
 - b. The licensee or certificate holder was placed on probation and, if so, the duration and terms of the probation and the date the probation ends; and
 - c. The jurisdiction that imposed the final conviction or issued an order approving the guilty plea.
- C. Pursuant to section 12-30-115, C.R.S., and the rules promulgated pursuant to this statute by the relevant regulator, a listing of any final agency action by a regulator that results in probationary status or other limitation on the provider's ability to practice, when the action is based in whole or in part on:
- 1. a conviction or acceptance of a guilty plea by a court for a sex offense, as defined in section 16-11.7-102(3), C.R.S., or a finding that the provider committed a sex offense, as defined in as defined in section 16-11.7-102(3), C.R.S.; OR
 - 2. a finding that the licensee engaged in unprofessional conduct or other conduct that is grounds for discipline under the part or article of Title 12 of the Colorado Revised Statutes that regulates the provider's profession, where the failure or conduct is related to, includes, or involves sexual misconduct that results in harm to a patient or presents a significant risk of public harm to patients.
 - 3. For each, the provider shall provide, at a minimum:

- a. The type, scope, and duration of the agency action imposed, including whether:
 - (1) the regulator and provider entered into a stipulation;
 - (2) the agency action resulted from an adjudicated decision;
 - (3) the licensee or certificate holder was placed on probation and, if so, the duration and terms of probation; and
 - (4) the regulator imposed any limitations on the licensee's practice and, if so, a description of the specific limitations and the duration of the limitations.
- b. The nature of the offense or conduct, including the grounds for probation or practice limitations specified in the final agency action;
- c. The date the final agency action was issued
- d. The date the probation status or practice limitation ends; and
- e. The contact information for the regulator that imposed the final agency action on the provider, including information on how to file a complaint.

Sample Signature Block

I have received and read the sexual misconduct disclosure by [licensee Name] and I agree to treatment by [licensee or certificate holder Name].

Print Patient Name

Patient or Responsible Party's Signature

Date

If signed by Responsible Party (parent, legal guardian, or custodian), print Responsible Party's name and relationship to patient:

Print Responsible Party Name

Print Relationship to Patient

Licensee or Certificate Holder Signature

Date

Editor's Notes

History

Rules 7, 10, 11 eff. 11/30/2007.

Rule 6 eff. 03/30/2011.

Rules 1-11 emer. rules repealed eff. 03/09/2012.

Rules 1-11 emer. rules eff. 03/09/2012.

Rules 1-11, 303, 304 emer. rules eff. 04/02/2012.

Rules 301, 302, 305, 306 emer. rules eff. 06/01/2012.

Rules 201-211, 301-305 eff. 06/30/2012. Rules 1-11 repealed eff. 06/30/2012.

Rules 101-102, 212, 214 eff. 01/30/2013.

Rule 215 emer. rule eff. 06/02/2014.

Rules 202-203, 205, 215, 303 eff. 09/14/2014.

Rules 207, 213 eff. 11/01/2014.

Rules 102, 103, 201-206, 208, 212, 302-306 eff. 05/15/2015.

Rules 101-107, 201-202, 204-207, 210, 212-213, 215, 301-306 eff. 11/14/2016. Rules 209, 214 repealed eff. 11/14/2016.

Rules 106, 107, 201, 204, 213, 303, 305 eff. 03/02/2017.

Rule 211 emer. rule eff. 01/11/2019.

Rules 204, 205, 206, 211, 213, 303, 304, 305, 307 eff. 04/30/2019.

Rule 1.4 emer. rule eff. 05/01/2020; expired 08/29/2020.

Rule 1.5 emer. rule eff. 05/11/2020; expired 09/08/2020.

Rule 1.4 emer. rule eff. 08/30/2020.

Rule 1.5 emer. rule eff. 09/09/2020.

Rules 1.2 F, 1.3 E, 1.6, Appendix A eff. 12/15/2020.