

DEPARTMENT OF REGULATORY AGENCIES

Office of Athletic Trainer Licensure

ATHLETIC TRAINER LICENSURE RULES AND REGULATIONS

4 CCR 735-1

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

Basis

The authority for the promulgation and adoption of these rules and regulations by the Director of the Division of Professions and Occupations is set forth in section 12-205-116, C.R.S.

Purpose

These rules are adopted to implement the Director's authority to license persons as athletic trainers and are further adopted to set forth the requirements for being so licensed.

1.1 Education Requirements

The purpose of this Rule is to provide additional guidance regarding the educational requirements for licensure as set forth in section 12-205-108(1), C.R.S.

An applicant who has been certified as an athletic trainer by the Board of Certification, Inc. for the Athletic Trainer ("BOC") or its predecessor shall be deemed to have met the educational requirements for licensure (all references to BOC in these rules include its predecessor).

1.2 Examination Approved by Director

The purpose of this Rule is to designate a nationally recognized examination approved by the Director pursuant to section 12-205-108(1)(c)(I), C.R.S.

The examination developed and administered by the Board of Certification, Inc., for the Athletic Trainer ("BOC") is approved by the Director. An applicant must achieve at least the passing score as determined by BOC in order to be eligible for licensure.

1.3 Licensure by Endorsement

The purpose of this Rule is to define substantially equivalent experience and credentials requirements for licensure by endorsement for applicants with an active license in another state set forth in section 12-20-202(3), C.R.S.

- A. An applicant for licensure by endorsement who meets the criteria set forth in section 12-205-208(1)(a), (b) and (c), C.R.S., shall be deemed to hold "substantially equivalent experience and credentials" as defined in section 12-20-202(3), C.R.S.
- B. An applicant for licensure by endorsement who has been certified as an athletic trainer by the BOC or its predecessor shall be deemed to hold "substantially equivalent experience and credentials" as defined in section 12-20-202(3), C.R.S.

1.4 Reinstatement of Expired License

The purpose of this Rule is to establish the qualifications and procedures for reinstatement of an expired license pursuant to sections 12-205-109(2), 12-20-202, and 12-20-105, C.R.S.

- A. An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay a reinstatement fee.
- B. If the license has been expired for more than two (2) years an applicant must demonstrate “competency to practice” under section 12-20-202(2)(c)(II), C.R.S., as follows:
 - 1. Verification of licensure or registration as an athletic trainer in good standing from another state, along with proof of active athletic training practice in that state for a minimum of 400 hours per year for the two (2) years immediately preceding the receipt of the application for reinstatement; or
 - 2. Completion of 48 hours of athletic training continuing education courses during the two (2) years immediately preceding the receipt of application for reinstatement. The continuing education must be approved by the Director; or
 - 3. Supervised practice for a period no less than six (6) months subject to terms established by the Director; or
 - 4. Retake, and achieving a passing score on, the Board of Certification, Inc. for the Athletic Trainer examination within three years immediately preceding receipt of the application for reinstatement; or
 - 5. By any other means approved by the Director.
- C. If the license has been expired for five (5) years or more an applicant is only eligible to complete B. 1, 3, 4, or 5 of this Rule to demonstrate competency.

1.5 Supervision of Student Athletic Trainers

The purpose of this Rule is to outline the conditions under which a student athletic trainer may practice in Colorado under section 12-205-110(1)(a), C.R.S.

- A. For the purposes of section 12-205-110(1)(a), C.R.S., “immediate supervision” of a student athletic trainer by an athletic trainer licensed in Colorado means the supervising, licensed athletic trainer (a) is present on the premises where the services are being performed; and (b) is available for immediate consultation and to assist the person being supervised in the services being performed.
- B. For purposes of this Rule, “premises” means within the same facility or area and within close enough proximity to respond in a timely manner to an emergency or the need for assistance.
- C. Faculty members teaching nonclinical aspects of athletic training are not required to be licensed athletic trainers.

1.6 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 Procedure Act at section 24-4-105(11), C.R.S.

- A. Any person or entity may petition the Director 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 Director.
- B. The Director will determine, at her discretion and without notice to petitioner, whether to rule upon such petition. If the Director determines that she will not rule upon such a petition, the Director shall promptly notify the petitioner of her action and state the reasons for such decision.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
 - 1. 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 Director.
 - 2. 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 Director or a court involving one or more petitioners.
 - 3. 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 Director or a court but not involving any petitioner.
 - 4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - 5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to C.R.C.P. 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.
- D. Any petition filed pursuant to this Rule shall set forth the following:
 - 1. The name and address of the petitioner and whether the petitioner is licensed pursuant to Title 12, Article 205.
 - 2. The statute, rule, or order to which the petition relates.
 - 3. 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.
- E. If the Director determines that she will rule on the petition, the following procedures shall apply:
 - 1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:
 - a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - b. The Director may order the petitioner to file a written brief, memorandum, or statement of position.
 - c. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.

- d. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
 - e. The Director 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.
 - f. The Director may take administrative notice of facts pursuant to the Colorado Administrative Procedure Act at section 24-4-105(8), C.R.S., and may utilize her experience, technical competence, and specialized knowledge in the disposition of the petition.
 - 2. If the Director rules upon the petition without a hearing, she shall promptly notify the petitioner of her decision.
 - 3. The Director may, at her 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 Director intends to inquire.
 - 4. 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 Director to consider.
- F. The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as are required by Section D 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 Director.
- G. 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 Procedure Act at § 24-4-106, C.R.S.

1.7 Reporting Criminal Convictions, Judgments, and Administrative Proceedings

The purpose of this Rule is to establish reporting procedures for violations of section 12-205-111, C.R.S., to the Director.

A licensee shall inform the Director, in a manner set forth by the Director, within ninety (90) days of any of the following events:

- A. The conviction of the licensee of a felony under the laws of any state or of the United States, or a crime related to the practice of athletic training. A guilty verdict, a guilty plea, or a nolo contendere plea accepted by the court is considered a conviction for the purposes of this Rule;
- B. A disciplinary action imposed upon the licensee by another jurisdiction that registers or licenses athletic trainers, which would be a violation of section 12-205-111(2)(e) or (h), C.R.S., including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license or registration whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license or registration fee by the due date or failure to meet continuing professional education requirements;

- C. Revocation or suspension by another state board, municipality, federal or state agency of any health services related license or registration, other than a license or registration for athletic trainers as described in section 12-205-111, C.R.S.;
- D. Any judgment, award or settlement of a civil action or arbitration in which there was a final judgment or settlement against the licensee for malpractice of athletic training.
- E. The notice to the Director shall include the following information;
 - 1. If the event is an action by a governmental agency (as described above), the name of the agency, its jurisdiction, the case name, and the docket, proceeding or case number by which the event is designated, and a copy of the consent decree, order or decision;
 - 2. If the event is a felony conviction, the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the indictment or charges, and any plea or verdict entered by the court. The licensee shall also provide to the Director a copy of the imposition of sentence related to the felony conviction and the completion of all terms of the sentence within ninety (90) days of such action;
 - 3. If the event concerns a civil action or arbitration proceeding, the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the complaint, and a copy of the verdict, the court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal;
- F. The licensee notifying the Director may submit a written statement with the notice to be included with the licensee's records.

1.8 Exceptions and Director's Review of Initial Decisions [Repealed].

1.9 Regarding The Continuing Duty To Report Information To The Director's Office

The purpose of this Rule is to set forth the requirement of licensees to notify the Director of a change in submitted information pursuant to section 24-34-107, C.R.S.

A licensee shall provide notice to the Director within thirty (30) days of any change in address of record in a manner established by the Director.

1.10 Duty to Self-Report Certain Medical Conditions

The purpose of this Rule is to provide additional guidance regarding the duty to report certain medical conditions and eligibility for entering into a confidential agreement with the Director as set forth in section 12- 205-114, C.R.S.

- A. No later than thirty (30) days from the date a licensee becomes aware of a physical or mental illness or condition that affects a licensee's ability to perform athletic training services with reasonable skill and safety, the licensee shall provide the Director, in writing, the following information:
 - 1. The diagnosis and a description of the illness or condition;
 - 2. The date that the illness or condition was first diagnosed;
 - 3. The name of the current treatment provider and documentation from the current treatment provider confirming the diagnosis, date of onset, and treatment plan; and

4. A description of the athletic trainer's practice and any modifications, limitations or restrictions to that practice that have been made as a result of the illness or condition.
- B. The licensee shall notify the Director of any worsening of the illness or condition, or any significant change in the illness or condition that affects the licensee's ability to practice with reasonable skill and safety, within thirty (30) days of the change of the illness or condition. The licensee shall provide to the Director, in writing, the following information:
 1. The name of the current treatment provider, documentation from the current treatment provider confirming the change of the illness or condition, the date that the illness or condition changed, the nature of the change of the illness or condition, and the current treatment plan; and
 2. A description of the licensee's practice, and any modifications, limitations, or restrictions to that practice that have been made as a result of the change of condition.
- C. Compliance with this rule is a prerequisite for eligibility to enter into a confidential agreement with the Director pursuant to section 12-205-114, C.R.S., However, mere compliance with this Rule does not require the Director to enter into a confidential agreement. Rather, the Director will evaluate all facts and circumstances to determine whether a confidential agreement is appropriate.
- D. If the Director discovers that a licensee has a mental or physical illness or condition that affects the licensee's ability to practice with reasonable skill and safety, and the licensee has not timely notified the Director of such illness or condition, the licensee may be subject to disciplinary action pursuant to section 12-205-114 and 12-30-108, C.R.S.

Adopted: December 6, 2016

1.11 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider

This Rule is promulgated and adopted by the Director of the Division of Professions and Occupations ("Director"), pursuant to the rulemaking authority in sections 12-20-204, 12-205-116, and 24-34-113(3), C.R.S., in consultation with the Commissioner of Insurance and the State Board of Health under the authority of section 24-34-113(2), C.R.S.

The purpose of this Rule is to establish requirements for health care providers to provide disclosures to consumers about the potential effects of receiving emergency or non-emergency services from an out-of-network provider as required by section 24-34-113(2), C.R.S.

This Rule applies to health care providers as defined in sections 24-34-113(1)(f) and 10-16-102(56), C.R.S.

- A. Disclosure requirements. If a consumer has incurred a claim for emergency or nonemergency health care services from an out-of-network provider, the health care provider shall provide the disclosures contained in Appendix. The health care provider shall provide the disclosure contained in Appendix A at all of the following occasions:
 1. After performing an appropriate screening examination and after determining that a client does not have an emergency medical condition or after treatment has been provided to stabilize an emergency medical condition. The disclosure shall be signed by the client or their designated representative;

2. At the time the client consents to care or treatment by the health care provider for nonemergency services. The disclosure shall be signed by the client or their designated representative before the start of services;
 3. On billing statements and billing notices issued by the health care provider; and
 4. On other forms or communications related to the services being provided pursuant to insurance coverage.
- B. Noncompliance with this Rule may result in the imposition of any of discipline made available by section 12-205-111, C.R.S.

Rule 1.12 Rules and Regulations Relating to Education, Training, or Service Gained During Military Service

The purpose of this Rule is to delineate the requirements for the Director's acceptance of education, training, or service gained in the military towards the qualifications for licensure, pursuant to sections 12-20-204, 12-205-116, and 12-20-202(4), C.R.S.

- A. Education, training, or service gained in military services outlined in section 12-20-202(4), C.R.S., to be accepted and applied towards licensure or reinstatement of an expired license, must be substantially equivalent, as determined by the Director, to the qualifications otherwise applicable at the time of receipt of application.
- B. It is the applicant's responsibility to provide timely and complete evidence for review and consideration.
- C. Satisfactory evidence of such education, training, or service will be assessed on a case-by-case basis.
- D. Documentation of military experience may include, but is not limited to, the applicant's Certificate of Release or Discharge from Active Duty (DD-214), Verification of Military Experience and Training (DD-2586), military transcript, training records, evaluation reports, or letters from commanding officers describing the applicant's practice.

1.13 REQUIRED DISCLOSURE TO PATIENTS – CONVICTION OF OR DISCIPLINE BASED ON SEXUAL MISCONDUCT

- A. On or after March 1, 2021, a provider, as defined in Rule 1.1 (E), 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 provider's ability to practice as set forth in section 12-30-115(2)(b), C.R.S.
- 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 B to these rules.
 1. The patient must, through his or her signature on the disclosure form, acknowledge the receipt of the disclosure and agree to treatment with the provider.
- C. Timing of Disclosure: This disclosure shall be provided to a patient the same day the patient schedules a professional services appointment with the provider. If an appointment is scheduled the same day that services will be provided, or if an appointment is not required such as in an inpatient facility, 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, unless the treatment will occur in a series over multiple appointments or a patient 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 provider 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 and signed before treatment may continue.
- 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 provider 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;
 2. The patient visit occurs in an emergency room or freestanding emergency department or the visit is unscheduled, including consultations in inpatient facilities;
 3. The provider 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 provider does not have a direct treatment relationship or have direct contact with the patient.

APPENDIX A

Surprise Billing – Know Your Rights

Beginning January 1, 2020, Colorado state law protects you from “surprise billing,” also known as balance billing.

What is surprise/balance billing, and when does it happen?

You are responsible for the cost-sharing amounts required by your health plan, including copayments, deductibles, and/or coinsurance. If you are seen by a provider or use services in a facility or agency that are **not** in your health plan’s network, you may have to pay additional costs associated with that care. These providers or services at facilities or agencies are sometimes referred to as “out-of-network.”

Out-of-network facilities or agencies often bill you the difference between what your insurer decides is the eligible charge and what the out-of-network provider bills as the total charge. This is called “surprise” or “balance” billing.

When you **CANNOT** be balance-billed:

Emergency Services

Not every service provided in an emergency department is an emergency service. If you are receiving emergency services, in most circumstances, the most you can be billed for is your plan’s in-network cost-sharing amounts. You cannot be balance-billed for any other amount. This includes both the emergency facility and any providers that see you for emergency care.

Nonemergency Services at an In-Network or Out-of-Network Health Care Provider

The health care provider must tell you if you are at an out-of-network location or at an in-network location that is using out-of-network providers. They must also tell you what types of services may be provided by any out-of-network provider.

You have the right to request that in-network providers perform all covered medical services. However, you may have to receive medical services from an out-of-network provider if an in-network provider is not available. In this case, the most you can be billed for **covered** services is your in-network cost-sharing amount (copayments, deductibles, and/or coinsurance). These providers cannot balance bill you.

Additional Protections

- Your insurer will pay out-of-network providers and facilities directly. Again, you are only responsible for paying your in-network cost-sharing for covered services.
- Your insurer must count any amount you pay for emergency services or certain out-of-network services (described above) toward your in-network deductible and out-of-pocket limit.
- Your provider or facility must refund any amount you overpay within sixty days of being notified.
- A provider, hospital, or outpatient surgical facility cannot ask you to limit or give up these rights.

If you receive services from an out-of-network provider or facility or agency OTHER situation, you may still be balance billed, or you may be responsible for the entire bill. If you intentionally receive non-emergency services from an out-of-network provider or facility, you may also be balance billed.

If you want to file a complaint against your health care provider, you can submit an online complaint by visiting this website: https://www.colorado.gov/pacific/dora/DPO_File_Complaint.

APPENDIX B

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 practitioner in complying with section 12-30-115, C.R.S., and the rules promulgated pursuant to this statute by the Director. As a licensed, registered, and/or certified health care provider 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. Provider information, including, at a minimum: name, business address, and business telephone number.
- B. A listing of any final convictions of or a guilty plea to a sex offense, as defined in section 16-11.7-102(3), C.R.S.
- C. For each such conviction or guilty plea, the provider shall provide, at a minimum:
 - 1. The date that the final judgment of conviction or 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 provider 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.
- D. A listing of any final agency action by a professional regulatory board or agency that results in probationary status or other limitation on the provider's ability to practice if the final agency action is based in whole or in part on:
 - 1. a conviction for or a guilty plea to a sex offense, as defined in section 16-11.7-102(3), C.R.S., or a finding by the professional regulatory board or Director 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 by a professional regulatory board or agency that the provider 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..
- E. For each such final agency action by a professional regulatory board or agency the provider shall provide, at a minimum:

1. The type, scope, and duration of the agency action imposed, including whether:
 - a. the regulator and provider entered into a stipulation;
 - b. the agency action resulted from an adjudicated decision;
 - c. the provider was placed on probation and, if so, the duration and terms of probation; and
 - d. the professional regulatory board or agency imposed any limitations on the provider's practice and, if so, a description of the specific limitations and the duration of the limitations.
2. The nature of the offense or conduct, including the grounds for probation or practice limitations specified in the final agency action;
3. The date the final agency action was issued;
4. The date the probation status or practice limitation ends; and
5. The contact information for the professional regulatory board or agency 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 [Provider Name] and I agree to treatment by [Provider Name].

Print Client Name

Client or Responsible Party's Signature

Date

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

Print Responsible Party Name

Print Relationship to Client

Provider Signature

Date

Editor's Notes

History

Entire emer. rule eff. 09/17/2009.

Entire rule eff. 11/30/2009.

Rule 8 repealed eff. 10/30/2011.

Rule 10 eff. 01/30/2017.

Entire rule eff. 10/30/2019.

Rule 1.11, Appendix A emer. rules eff. 01/01/2020; expired 04/29/2020.

Rule 1.11, Appendix A eff. 04/30/2020.

Rule 1.12 eff. 07/30/2020.

Rules 1.3, 1.13, Appendix B eff. 12/15/2020.