DEPARTMENT OF REGULATORY AGENCIES

Office of Athletic Trainer Registration

ATHLETIC TRAINER REGISTRATION RULES

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 Registrations is set forth in § 12-29.7-112, C.R.S.

Purpose

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

Rule 1 – Education Requirements

The purpose of this rule is to provide additional guidance regarding the educational requirements for registration set forth in § 12-29.7-107(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 registration (all references to BOC in these rules include its predecessor).

Rule 2 – Examination Approved by Director

The purpose of this rule is to designate a nationally recognized examination approved by the Director pursuant to § 12-29.7-107(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 registration.

Rule 3 – Registration by Endorsement

The purpose of this rule is to delineate the requirements for registration by endorsement for applicants with active license in another state set forth in § 12-29.7-107(3), C.R.S.

A. An applicant for registration by endorsement must have actively practiced as an athletic trainer in that state for a minimum of 400 hours per year for the two years immediately preceding the receipt of the application or otherwise maintained competency as an athletic trainer, as determined by the Director.

   1. For purposes of this rule, an applicant may demonstrate that they have “otherwise maintained competency as an athletic trainer” by completing 48 hours of athletic training continuing education courses during the two years immediately preceding the receipt of the application.
Rule 4 – Reinstatement of Expired Registration

The purpose of this rule is to establish the qualifications and procedures for reinstatement of an expired registration pursuant to § 12-29.7-107(4), C.R.S.; § 24-34-102(8), C.R.S.; and § 24-34-105, C.R.S.

A. An applicant seeking reinstatement of an expired registration shall complete a reinstatement application and pay a reinstatement fee.

B. If the registration has been expired for more than two years an applicant must demonstrate “competency to practice” under § 24-34-102(8)(d)(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 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 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 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 registration has been expired for five years or more an applicant is only eligible to complete B. 1, 3, 4, 5 of this rule to demonstrate competency.

Rule 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 § 12-29.7-108(1)(a), C.R.S.

A. For the purposes of § 12-29.7-108(1)(a), “immediate supervision” of a student athletic trainer by an athletic trainer registered in Colorado means the supervising, registered 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 registered athletic trainers.

Rule 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 § 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 registered pursuant to Title 12, Article 29.7.

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 § 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.

Rule 7 – Reporting Criminal Convictions, Judgments, and Administrative Proceedings

The purpose of this rule is to establish reporting procedures for violations of § 12-29.7-109, C.R.S. to the Director.

A registrant shall inform the Director, in a manner set forth by the Director, within 90 days of any of the following events:
A. The conviction of the registrant 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 registrant by another jurisdiction that registers or licenses athletic trainers, which would be a violation of § 12-29.7-109(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 § 12-29.7-109, 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 registrant 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 registrant 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 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 registrant notifying the Director may submit a written statement with the notice to be included with the registrant records.

Rule 8 Exceptions and Director’s Review of Initial Decisions [Repealed].

RULE 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 registrants to notify the Director of a change in submitted information pursuant to § 24-34-107 C.R.S.

A registrant shall provide notice to the Office within 30 days of any change in address of record in a manner established by the Director.

RULE 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 § 12-29.7-113, C.R.S.
A. No later than 30 days from the date a registrant becomes aware of a physical or mental illness or condition that affects a registrant’s ability to perform athletic training services with reasonable skill and safety, the registrant 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 registrant shall notify the Director of any worsening of the illness or condition, or any significant change in the illness or condition that affects the registrant’s ability to practice with reasonable skill and safety, within 30 days of the change of the illness or condition. The registrant 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 registrant’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 12-29.7-113, 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 registrant has a mental or physical illness or condition that affects the registrant’s ability to practice with reasonable skill and safety, and the registrant has not timely notified the Director of such illness or condition, the registrant may be subject to disciplinary action pursuant to Section 12-29.7-113, C.R.S.

Adopted: December 6, 2016

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.