

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

CORRECTED ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0122.01 Christy Chase

SENATE BILL 11-187

SENATE SPONSORSHIP

Newell,

HOUSE SPONSORSHIP

Fields, Summers

Senate Committees

Health and Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF MENTAL**
102 **HEALTH PROFESSIONALS, AND, IN CONNECTION THEREWITH,**
103 **CONTINUING THE STATE BOARDS OF PSYCHOLOGIST EXAMINERS,**
104 **SOCIAL WORK EXAMINERS, MARRIAGE AND FAMILY THERAPIST**
105 **EXAMINERS, AND LICENSED PROFESSIONAL COUNSELOR**
106 **EXAMINERS AND THE STATE GRIEVANCE BOARD, CREATING THE**
107 **STATE BOARD OF ADDICTION COUNSELOR EXAMINERS,_____**
108 **IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE**
109 **SUNSET REVIEW AND REPORT OF STATE-REGULATED MENTAL**
110 **HEALTH PROFESSIONALS, AND MAKING AN APPROPRIATION.**

Bill Summary

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
April 29, 2011

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sunset Process - Senate Health and Human Services Committee. The bill implements the recommendations of the sunset review and report on state-regulated mental health professionals as follows:

Sections 1, 2, and 3 of the bill continue the boards of psychologist examiners, social work examiners, marriage and family therapist examiners, and licensed professional counselor examiners and the state grievance board, and the regulation of psychologists, social workers, marriage and family therapists, licensed professional counselors, psychotherapists, and addiction counselors (oversight boards) through September 1, 2020.

Section 4 defines terms relevant to the practice of addiction counseling. **Section 5** creates the state board of addiction counselor examiners to regulate addiction counselors, thereby eliminating the authority of the director of the division of registrations to regulate addiction counselors.

Sections 6 and 7 continue indefinitely the ability of the oversight boards to issue a provisional license to a candidate for a mental health professional license or certification if the candidate has satisfied the education requirements for a license or certification but has not yet satisfied the experience requirements. Section 7 also adds the newly created state board of addiction counselor examiners to the definition of "board", changes the name of "unlicensed psychotherapists" to "registered psychotherapists" in recognition of the fact that psychotherapists are required to register with, and are regulated by, the state grievance board, repeals unnecessary definitions, and makes other technical modifications to definitions.

Sections 8 and 9 create a registry for marriage and family therapy and licensed professional counselor licensure candidates who are working toward full licensure, consistent with candidate registries currently available for psychologist, social worker, and addiction counselor licensure candidates. The sections also permit the regulatory boards for marriage and family therapists and licensed professional counselors to administer computer-based examinations to determine an applicant's competency in the particular practice area.

Section 10 repeals a duplicate definition of "psychotherapy" to avoid confusion with another broader definition of that term in another provision of the article and repeals the definition of "unlicensed psychotherapist" to comport with the change, per section 7 of the bill, to

"registered psychotherapists". **Section 11** makes further, conforming changes related to the name change for psychotherapists and allows the state grievance board to administer on-line examinations to psychotherapists applying for registration.

Sections 12 and 13 permit the oversight boards for psychologists and social workers to establish computer-based jurisprudence examinations for license, certification, or registration applicants to increase efficiency in the administration of examinations. These sections also contain technical corrections to the statutes as recommended in the sunset report.

Section 14 amends the statute outlining activities that are prohibited for persons regulated under the act as follows:

- ! Eliminates the requirement that a person who has been convicted of a felony can be disciplined only if the felony relates to the ability to practice the person's mental health profession;
- ! Restates the grounds for discipline regarding use or abuse of alcohol or drugs to eliminate the term "intemperate";
- ! Eliminates the ability of a board to discipline a licensee, registrant, or certificate holder simply for having a mental or physical illness or condition that impairs the person's ability to practice his or her profession and instead allows the applicable board to discipline the licensee, registrant, or certificate holder for failing to notify the board of the limitation, failing to act within the limitations of the illness or condition, or failing to comply with the conditions in a confidential agreement with the board related to the person's mental or physical illness or condition;
- ! For purposes of determining whether a person has acted or failed to act in a manner consistent with generally accepted standards of the professional discipline under which the person practices, adds a reference to the standards of practice generally recognized by state and national associations of practitioners in the field of the person's professional discipline;
- ! Narrows the prohibition against dual relationships to prohibit a mental health professional from maintaining relationships with clients in cases where the person's professional judgment was impaired or the person exploited the client;
- ! Eliminates the requirement that repeated ordering of unnecessary laboratory tests or studies must be willful in order to be grounds for disciplining the person; and
- ! Adds as a ground for discipline the failure to respond to a complaint.

Section 15 authorizes the oversight boards to impose an administrative fine on a licensee, registrant, or certificate holder who violates an administrative requirement of the statutes or rules. The boards are required to adopt rules setting up a schedule of fines, and the administrative fines cannot exceed \$5,000 per violation.

Section 16 authorizes the oversight boards to enter into confidential agreements to restrict the practice of a licensee, registrant, or certificate holder who has a mental or physical illness or condition that affects his or her ability to practice the profession with reasonable skill and safety to clients.

Sections 39, 43, 50, 53, and 56 modify the membership on the oversight boards to eliminate one public member on each board and replace that member with a person engaged in or authorized to practice the particular profession. Section 43 also permits the state board of social work examiners, on its own or at the request of a licensee, to appoint advisory committees to assist with the operations of the board.

Sections 40, 54, and 59 modify the definitions of "practice of psychology", "practice of licensed professional counseling", and "practice of addiction counseling", respectively, to conform to model practice act language adopted by the applicable national professional associations. **Section 44** adds counseling to the list of permissible practices of a social worker.

Sections 60 and 61 recodify laws pertaining to the licensure and certification of addiction counselors to specify qualifications for licensure as an addiction counselor and certification as either a level I, II, or III certified addiction counselor and the particular activities in which addiction counselors are permitted to engage based on whether the addiction counselor is licensed or has a level I, II, or III certification.

Sections 17 through 38, 41, 42, 45 through 49, 51, 52, 55, 57, 59, and 62 through 72 make technical and conforming changes to the mental health professional practice act statutes.

The bill takes effect July 1, 2011.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 12-43-229, Colorado Revised Statutes, is amended
3 to read:

4 **12-43-229. Repeal of article.** (1) ~~Parts 1 to 7 of~~ This article are
5 IS repealed, effective ~~July 1, 2011~~ SEPTEMBER 1, 2020. Prior to such
6 repeal, all of the boards relating to the licensing, REGISTRATION, OR
7 CERTIFICATION of and grievances against any person licensed, registered,

1 or ~~regulated~~ CERTIFIED pursuant to ~~the provisions~~ of this article shall be
2 reviewed as provided for in section 24-34-104, C.R.S.

3 (2) ~~The functions of the director regarding addiction counselors~~
4 ~~as set forth in part 8 of this article are repealed, effective July 1, 2011.~~
5 ~~Prior to such repeal, the functions of the director shall be reviewed~~
6 ~~pursuant to section 24-34-104, C.R.S.~~

7 **SECTION 2. Repeal.** 24-34-104 (42) (g) and (42) (n), Colorado
8 Revised Statutes, are repealed as follows:

9 **24-34-104. General assembly review of regulatory agencies**
10 **and functions for termination, continuation, or reestablishment.**

11 (42) The following agencies, functions, or both, shall terminate on July
12 1, 2011:

13 (g) ~~Notwithstanding paragraph (a) of subsection (11) of this~~
14 ~~section, boards relating to the licensing of and grievances against any~~
15 ~~person regulated, registered, or licensed pursuant to parts 3, 4, 5, 6, and~~
16 ~~7 of article 43 of title 12, C.R.S., and created pursuant to article 43 of title~~
17 ~~12, C.R.S.;~~

18 (n) ~~The licensing, certification, and regulation of addiction~~
19 ~~counselors by the director of the division of registrations in the~~
20 ~~department of regulatory agencies in accordance with part 8 of article 43~~
21 ~~of title 12, C.R.S.;~~

22 **SECTION 3.** 24-34-104 (51.5), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24 **24-34-104. General assembly review of regulatory agencies**
25 **and functions for termination, continuation, or reestablishment.**

26 (51.5) The following agencies, functions, or both, shall terminate on
27 September 1, 2020:

1 (c) NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (11) OF
2 THIS SECTION, BOARDS CREATED PURSUANT TO ARTICLE 43 OF TITLE 12,
3 C.R.S., AND RELATING TO THE LICENSING, REGISTRATION, OR
4 CERTIFICATION OF AND GRIEVANCES AGAINST ANY PERSON LICENSED,
5 REGISTERED, OR CERTIFIED PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S.;

6 **SECTION 4.** 12-43-801, Colorado Revised Statutes, is amended
7 to read:

8 **12-43-801. Definitions.** As used in this part 8, unless the context
9 otherwise requires:

10 (1) "ADDICTION" MEANS A PERSISTENT, COMPULSIVE DEPENDENCE
11 ON A BEHAVIOR OR SUBSTANCE, INCLUDING MOOD-ALTERING BEHAVIORS
12 OR ACTIVITIES KNOWN AS PROCESS ADDICTIONS.

13 (2) "ADMINISTRATIVE SUPERVISION" MEANS OVERSIGHT OF
14 TREATMENT AGENCY OPERATIONS, ORGANIZATION OF PEOPLE AND
15 RESOURCES, AND IMPLEMENTATION OF POLICIES AND PROCEDURES IN A
16 WAY THAT DIRECTS ACTIVITIES TOWARDS AGENCY GOALS AND
17 OBJECTIVES.

18 (3) "APPROVED SCHOOL, COLLEGE, OR UNIVERSITY" MEANS ANY
19 ACCREDITED INSTITUTION OF HIGHER EDUCATION OFFERING A FULL-TIME
20 GRADUATE OR UNDERGRADUATE COURSE OF STUDY IN BEHAVIORAL
21 HEALTH SCIENCES, SUCH AS ADDICTION COUNSELING, HUMAN SERVICES,
22 PSYCHOLOGY, REHABILITATION, SOCIAL WORK, OR OTHER BEHAVIORAL
23 HEALTH SCIENCES, THAT IS RECOGNIZED BY AN APPROPRIATE NATIONAL
24 ORGANIZATION AND IS APPROVED BY THE BOARD.

25 (4) "BEHAVIORAL HEALTH DISORDERS" MEANS BOTH MENTAL AND
26 SUBSTANCE USE DISORDERS.

27 (5) "BOARD" MEANS THE STATE BOARD OF ADDICTION COUNSELOR

1 EXAMINERS CREATED IN SECTION 12-43-802.

2 (6) "CERTIFIED" MEANS CERTIFIED AS AN ADDICTION COUNSELOR
3 CERTIFIED AT LEVEL I, II, OR III.

4 ~~(7)~~ (7) "Certified addiction counselor" means an individual who
5 has a certificate issued by the ~~director~~ BOARD AUTHORIZING THE
6 INDIVIDUAL to practice addiction counseling COMMENSURATE WITH HIS OR
7 HER CERTIFICATION LEVEL AND SCOPE OF PRACTICE.

8 ~~(2)~~ "Director" means the director of the division of registrations
9 in the department of regulatory agencies.

10 (8) "CLINICAL SUPERVISION" MEANS:

11 (a) THE EVALUATION AND MODIFICATION OR APPROVAL BY A
12 SUPERVISOR OF THE CLINICAL PRACTICE OF THE PERSON BEING
13 SUPERVISED; AND

14 (b) A SOURCE OF KNOWLEDGE, EXPERTISE, AND MORE ADVANCED
15 SKILLS MADE AVAILABLE TO THE PERSON BEING SUPERVISED.

16 (9) "CO-OCCURRING DISORDERS" MEANS THE EXISTENCE OF ONE
17 OR MORE SUBSTANCE USE DISORDERS, ADDICTIVE BEHAVIORAL
18 DISORDERS, OR MENTAL DISORDERS PRESENTING CONCURRENTLY. AT THE
19 INDIVIDUAL LEVEL, CO-OCCURRING DISORDERS EXIST WHEN AT LEAST ONE
20 DISORDER == CAN BE ESTABLISHED INDEPENDENT OF THE OTHER, AND THE
21 DISORDERS ARE NOT SIMPLY A CLUSTER OF SYMPTOMS RESULTING FROM
22 A SINGLE DISORDER.

23 (10) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD
24 PURSUANT TO THIS PART 8 TO ENGAGE IN THE PRACTICE OF A LICENSED
25 ADDICTION COUNSELOR.

26 ~~(3)~~ (11) "Licensed addiction counselor" means a person ~~who~~
27 ~~renders addiction counseling to an individual, group, or organization and~~

1 ~~who holds a license issued~~ LICENSED by the ~~director~~ BOARD TO PROVIDE
2 PROFESSIONAL BEHAVIORAL HEALTH DISORDER TREATMENT.

3 **SECTION 5.** 12-43-802, Colorado Revised Statutes, is
4 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

5 **12-43-802. State board of addiction counselor examiners.**

6 (1) THERE IS HEREBY CREATED A STATE BOARD OF ADDICTION
7 COUNSELOR EXAMINERS UNDER THE SUPERVISION AND CONTROL OF THE
8 DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY
9 AGENCIES. ONCE THE GOVERNOR APPOINTS THE BOARD MEMBERS AND
10 THE BOARD ADOPTS NECESSARY RULES, THE BOARD IS RESPONSIBLE FOR
11 REGULATING ADDICTION COUNSELORS PURSUANT TO THIS PART 8 AND THIS
12 ARTICLE. THE DIRECTOR RETAINS THE AUTHORITY TO REGULATE
13 ADDICTION COUNSELORS FOR THREE MONTHS AFTER THE DATE ON WHICH
14 ALL MEMBERS OF THE BOARD HAVE BEEN APPOINTED, AND THE DIRECTOR'S
15 RULES ADOPTED PURSUANT TO THIS PART 8 REMAIN IN EFFECT UNTIL THE
16 DIRECTOR REPEALS THE RULES.

17 (2) THE BOARD CONSISTS OF SEVEN MEMBERS WHO ARE CITIZENS
18 OF THE UNITED STATES AND RESIDENTS OF THE STATE OF COLORADO. BY
19 NOVEMBER 30, 2011, THE GOVERNOR SHALL APPOINT THE MEMBERS OF
20 THE BOARD AS FOLLOWS:

21 (a) (I) FOUR BOARD MEMBERS MUST BE LICENSED OR CERTIFIED
22 ADDICTION COUNSELORS, AND EXCEPT AS PROVIDED IN SUBPARAGRAPH
23 (II) OF THIS PARAGRAPH (a), AT LEAST TWO OF THESE FOUR MEMBERS
24 MUST BE ENGAGED IN THE DIRECT PRACTICE OF ADDICTION COUNSELING.
25 THE FOUR BOARD MEMBERS APPOINTED PURSUANT TO THIS PARAGRAPH (a)
26 MUST INCLUDE AT LEAST ONE LICENSED ADDICTION COUNSELOR AND AT
27 LEAST ONE CERTIFIED ADDICTION COUNSELOR.

1 (II) IF, AFTER A GOOD-FAITH ATTEMPT, THE GOVERNOR
2 DETERMINES THAT A LICENSED OR CERTIFIED ADDICTION COUNSELOR WHO
3 IS ENGAGED IN THE DIRECT PRACTICE OF ADDICTION COUNSELING IS NOT
4 AVAILABLE TO SERVE ON THE BOARD FOR A PARTICULAR TERM, THE
5 GOVERNOR MAY APPOINT A LICENSED OR CERTIFIED ADDICTION
6 COUNSELOR WHO IS NOT ENGAGED IN THE DIRECT PRACTICE OF ADDICTION
7 COUNSELING TO SERVE ON THE BOARD PURSUANT TO THIS PARAGRAPH (a).

8 (b) THREE BOARD MEMBERS MUST BE REPRESENTATIVES OF THE
9 GENERAL PUBLIC, ONE OF WHOM MAY BE AN ADDICTION COUNSELING
10 CONSUMER OR FAMILY MEMBER OF AN ADDICTION COUNSELING
11 CONSUMER. THESE INDIVIDUALS MUST HAVE NEVER BEEN ADDICTION
12 COUNSELORS, APPLICANTS, OR FORMER APPLICANTS FOR LICENSURE OR
13 CERTIFICATION AS AN ADDICTION COUNSELOR, MEMBERS OF ANOTHER
14 MENTAL HEALTH PROFESSION, MEMBERS OF HOUSEHOLDS THAT INCLUDE
15 ADDICTION COUNSELORS OR ANY OTHER MENTAL HEALTH PROFESSIONAL,
16 OR OTHERWISE HAVE CONFLICTS OF INTEREST OR THE APPEARANCE OF A
17 CONFLICT WITH THEIR DUTIES AS BOARD MEMBERS.

18 (3) (a) EACH BOARD MEMBER SHALL HOLD OFFICE UNTIL THE
19 EXPIRATION OF THE MEMBER'S APPOINTED TERM OR UNTIL A SUCCESSOR
20 IS DULY APPOINTED. EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS
21 SUBSECTION (3), THE TERM OF EACH MEMBER IS FOUR YEARS, AND A
22 BOARD MEMBER SHALL NOT SERVE MORE THAN TWO FULL CONSECUTIVE
23 TERMS. THE GOVERNOR SHALL FILL A VACANCY OCCURRING IN BOARD
24 MEMBERSHIP, OTHER THAN BY EXPIRATION OF A TERM, BY APPOINTMENT
25 FOR THE UNEXPIRED TERM OF THE MEMBER.

26 (b) THE INITIAL TERMS OF OFFICE OF THE MEMBERS APPOINTED TO
27 THE BOARD AS OF JANUARY 1, 2012, ARE MODIFIED AS FOLLOWS IN ORDER

1 TO ENSURE STAGGERED TERMS OF OFFICE:

2 (I) THE INITIAL TERM OF OFFICE OF ONE OF THE BOARD MEMBERS
3 REPRESENTING THE GENERAL PUBLIC, WHOSE INITIAL TERM WOULD
4 OTHERWISE EXPIRE ON DECEMBER 31, 2015, EXPIRES ON DECEMBER 31,
5 2013, AND THIS BOARD MEMBER IS ELIGIBLE TO SERVE ONE ADDITIONAL
6 FOUR-YEAR TERM COMMENCING ON JANUARY 1, 2014, AND EXPIRING ON
7 DECEMBER 31, 2017. ON AND AFTER THE EXPIRATION OF THE BOARD
8 MEMBER'S TERM, THE TERM OF A PERSON APPOINTED TO THIS MEMBER'S
9 POSITION ON THE BOARD IS AS DESCRIBED IN PARAGRAPH (a) OF THIS
10 SUBSECTION (3) COMMENCING ON JANUARY 1 OF THE APPLICABLE YEAR.

11 (II) THE INITIAL TERMS OF OFFICE OF TWO OF THE LICENSED OR
12 CERTIFIED ADDICTION COUNSELOR BOARD MEMBERS, WHOSE INITIAL
13 TERMS WOULD OTHERWISE EXPIRE ON DECEMBER 31, 2015, EXPIRE ON
14 DECEMBER 31, 2013. THESE BOARD MEMBERS ARE ELIGIBLE TO SERVE
15 ONE ADDITIONAL FOUR-YEAR TERM, COMMENCING ON JANUARY 1, 2014,
16 AND EXPIRING ON DECEMBER 31, 2017. ON AND AFTER THE EXPIRATION
17 OF THESE BOARD MEMBERS' TERMS, THE TERMS OF PERSONS APPOINTED TO
18 THE MEMBERS' POSITIONS ON THE BOARD ARE AS DESCRIBED IN
19 PARAGRAPH (a) OF THIS SUBSECTION (3) COMMENCING ON JANUARY 1 OF
20 THE APPLICABLE YEAR.

21 (4) THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR
22 MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY. ===== ACTIONS
23 CONSTITUTING NEGLECT OF DUTY INCLUDE THE FAILURE OF BOARD
24 MEMBERS TO ATTEND THREE CONSECUTIVE MEETINGS, OR AT LEAST
25 THREE-FOURTHS OF THE TOTAL MEETINGS, IN ANY CALENDAR YEAR.

26 **SECTION 6.** 12-43-206.5, Colorado Revised Statutes, is
27 amended to read:

1 **12-43-206.5. Provisional license - fees.** (1) (a) The board ~~or~~
2 ~~director~~ may issue a provisional license to an applicant who has
3 completed a post-graduate degree that meets the educational requirements
4 for licensure in section 12-43-304, 12-43-403, 12-43-504, 12-43-603, or
5 12-43-804, as applicable, and who is working in a residential child care
6 facility as defined in section 26-6-102 (8), C.R.S., under the supervision
7 of a licensee.

8 (b) A provisional license issued pursuant to paragraph (a) of this
9 subsection (1) ~~shall terminate~~ TERMINATES at the earliest of:

10 (I) Thirty days after termination of the provisional licensee's
11 employment with a qualifying residential child care facility, unless the
12 provisional licensee obtains and submits to the board ~~or director~~ proof of
13 employment with another residential child care facility; or

14 (II) Thirty days after termination of the provisional licensee's
15 supervision by a licensee unless the provisional licensee obtains and
16 submits to the board ~~or director~~ proof of supervision by another licensee.

17 (c) A provisional licensee shall notify the board ~~or director~~ of any
18 change in supervision within thirty days after the change.

19 (2) ~~The director and~~ Each board may charge an application fee to
20 an applicant for a provisional license. All fees collected pursuant to this
21 subsection (2) shall be transmitted to the state treasurer, who shall credit
22 the same to the division of registrations cash fund pursuant to section
23 24-34-105, C.R.S. An application for a provisional license ~~shall~~ MUST
24 identify the name, contact information, and license number of the licensee
25 providing supervision of the provisional licensure applicant.

26 (3) ~~This section is repealed, effective July 1, 2011.~~

27 **SECTION 7.** The introductory portion to 12-43-201 and

1 12-43-201 (1), (6), (7.5), (7.7), (7.8) (b), (9), (9.3), (9.5), (9.7), and (10),
2 Colorado Revised Statutes, are amended, and the said 12-43-201 is
3 further amended BY THE ADDITION OF THE FOLLOWING NEW
4 SUBSECTIONS, to read:

5 **12-43-201. Definitions.** As used in this ~~part 2~~ ARTICLE, unless the
6 context otherwise requires:

7 (1) "Board" includes the state board of psychologist examiners,
8 the state board of social work examiners, the state board of licensed
9 professional counselor examiners, the state board of marriage and family
10 therapist examiners, ~~and~~ the state grievance board, AND THE STATE BOARD
11 OF ADDICTION COUNSELOR EXAMINERS.

12 (1.3) "CERTIFICATE HOLDER" MEANS AN ADDICTION COUNSELOR
13 CERTIFIED PURSUANT TO THIS ARTICLE.

14 (1.8) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE
15 DEPARTMENT OF REGULATORY AGENCIES.

16 (6) "Licensee" means a psychologist, social worker, CLINICAL
17 SOCIAL WORKER, marriage and family therapist, licensed professional
18 counselor, or addiction counselor licensed ~~certified, or registered~~ pursuant
19 to this article.

20 (7.5) "Professional relationship" means an interaction that is
21 deliberately planned or directed, or both, by the psychotherapist LICENSEE,
22 REGISTRANT, OR CERTIFICATE HOLDER toward obtaining specific
23 psychotherapeutic objectives. such as those set forth in subsection (9) of
24 this section.

25 (7.7) (a) "Provisional license" means a license OR CERTIFICATION
26 issued pursuant to section 12-43-206.5.

27 (b) ~~This subsection (7.7) is repealed, effective July 1, 2011.~~

1 (7.8) (b) ~~This subsection (7.8) is repealed, effective July 1, 2011.~~

2 (9) (a) "Psychotherapy" means the treatment, diagnosis, testing,
3 assessment, or counseling in a professional relationship to assist
4 individuals or groups to alleviate mental disorders, understand
5 unconscious or conscious motivation, resolve emotional, relationship, or
6 attitudinal conflicts, or modify behaviors ~~which~~ THAT interfere with
7 effective emotional, social, or intellectual functioning. Psychotherapy
8 follows a planned procedure of intervention ~~which~~ THAT takes place on
9 a regular basis, over a period of time, or in the cases of testing,
10 assessment, and brief psychotherapy, ~~it~~ PSYCHOTHERAPY can be a single
11 intervention.

12 (b) It is the intent of the general assembly that the definition of
13 psychotherapy as used in this ~~part 2~~ ARTICLE be interpreted in its
14 narrowest sense to regulate only those persons who clearly fall within the
15 definition set forth in this subsection (9).

16 (9.1) (a) "REGISTERED PSYCHOTHERAPIST" MEANS A PERSON:

17 (I) WHOSE PRIMARY PRACTICE IS PSYCHOTHERAPY OR WHO HOLDS
18 HIMSELF OR HERSELF OUT TO THE PUBLIC AS BEING ABLE TO PRACTICE
19 PSYCHOTHERAPY FOR COMPENSATION; AND

20 (II) WHO IS REGISTERED WITH THE GRIEVANCE BOARD PURSUANT
21 TO SECTION 12-43-702.5 TO PRACTICE PSYCHOTHERAPY IN THIS STATE.

22 (b) "REGISTERED PSYCHOTHERAPIST" ALSO INCLUDES A PERSON
23 WHO:

24 (I) IS A LICENSED SCHOOL PSYCHOLOGIST LICENSED PURSUANT TO
25 SECTION 22-60.5-210 (1) (b), C.R.S.;

26 (II) IS PRACTICING OUTSIDE OF A SCHOOL SETTING; AND

27 (III) IS REGISTERED WITH THE GRIEVANCE BOARD PURSUANT TO

1 SECTION 12-43-702.5.

2 (9.3) "Registrant" means a psychologist candidate, MARRIAGE AND
3 FAMILY THERAPIST CANDIDATE, OR LICENSED PROFESSIONAL COUNSELOR
4 CANDIDATE registered pursuant to ~~this article~~ SECTION 12-43-304 (7),
5 12-43-504 (5), OR 12-43-603 (5), RESPECTIVELY, OR A REGISTERED
6 PSYCHOTHERAPIST.

7 (9.5) ~~"Regulated" means a person who is listed in the state~~
8 ~~grievance board data base.~~

9 (9.7) ~~"School psychologist" means a person who practices~~
10 ~~psychotherapy and who is a school psychologist licensed pursuant to the~~
11 ~~provisions of section 22-60.5-210, C.R.S.~~

12 (10) ~~"Unlicensed psychotherapist" means any person whose~~
13 ~~primary practice is psychotherapy or who holds himself or herself out to~~
14 ~~the public as being able to practice psychotherapy for compensation and~~
15 ~~who is not licensed under this title to practice psychotherapy.~~
16 ~~"Unlicensed psychotherapist" also means a person who is a licensed~~
17 ~~school psychologist licensed pursuant to section 22-60.5-210 (1) (b),~~
18 ~~C.R.S., and who is practicing outside of a school setting.~~

19 **SECTION 8.** The introductory portion to 12-43-504 (1) and
20 12-43-504 (1) (b), (1) (e), and (4), Colorado Revised Statutes, are
21 amended, and the said 12-43-504 is further amended BY THE
22 ADDITION OF A NEW SUBSECTION, to read:

23 **12-43-504. Qualifications - examination - licensure and**
24 **registration.** (1) The board shall issue a license as a marriage and family
25 therapist to each applicant who files an application ~~upon~~ IN a form and ~~in~~
26 such manner as REQUIRED BY the board, ~~prescribes,~~ ~~accompanied by a~~
27 SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO section

1 12-43-204, and ~~who~~ furnishes evidence satisfactory to the board that he
2 or she:

3 (b) Is not in violation of any ~~of the provisions~~ PROVISION of this
4 article or ~~the ANY rule and regulations~~ adopted under this article;

5 (e) Has demonstrated professional competence by passing an
6 examination in marriage and family therapy prescribed by the board and
7 a written, mail-in jurisprudence examination administered by the
8 department of regulatory agencies DIVISION.

9 (4) The board or its designated representatives shall administer
10 and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the examination and
11 ~~shall~~ take any actions necessary to ensure impartiality. The BOARD SHALL
12 DETERMINE THE passing score for the examination ~~shall be determined by~~
13 ~~the board~~ based upon a level of minimum competency to engage in
14 marriage and family therapy practice.

15 (5) (a) THE BOARD SHALL REGISTER AS A MARRIAGE AND FAMILY
16 THERAPIST CANDIDATE A PERSON WHO:

17 (I) FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED BY
18 THE FEE AS REQUIRED BY SECTION 12-43-204;

19 (II) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR
20 SHE MEETS THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (c) OF
21 SUBSECTION (1) OF THIS SECTION; AND

22 (III) HAS NOT BEEN PREVIOUSLY REGISTERED AS A MARRIAGE AND
23 FAMILY THERAPIST CANDIDATE BY THE BOARD.

24 (b) A MARRIAGE AND FAMILY THERAPIST CANDIDATE WHO
25 REGISTERS WITH THE BOARD PURSUANT TO THIS SUBSECTION (5) IS UNDER
26 THE JURISDICTION OF THE BOARD AND IS NOT REQUIRED TO REGISTER WITH
27 THE DATABASE OF REGISTERED PSYCHOTHERAPISTS PURSUANT TO SECTION

1 12-43-702.5.

2 (c) IF A CANDIDATE DOES NOT MEET THE REQUIREMENTS OF
3 PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF THIS SECTION WITHIN
4 FOUR YEARS AFTER INITIAL REGISTRATION, THE CANDIDATE'S
5 REGISTRATION EXPIRES AND IS NOT RENEWABLE, UNLESS THE BOARD, IN
6 ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A PERSON
7 WHOSE MARRIAGE AND FAMILY THERAPIST CANDIDATE REGISTRATION
8 EXPIRES IS NOT PRECLUDED FROM APPLYING TO THIS BOARD OR TO ANY
9 OTHER BOARD FOR LICENSURE OR REGISTRATION IN A MENTAL HEALTH
10 PROFESSION FOR WHICH THE PERSON IS QUALIFIED.

11 **SECTION 9.** The introductory portion to 12-43-603 (1) and
12 12-43-603 (1) (b), (1) (e), and (4), Colorado Revised Statutes, are
13 amended, and the said 12-43-603 is further amended BY THE
14 ADDITION OF A NEW SUBSECTION, to read:

15 **12-43-603. Licensure - examination - licensed professional**
16 **counselors.** (1) The board shall issue a license as a licensed professional
17 counselor to each applicant who files an application ~~upon~~ IN a form and
18 ~~in such a manner as~~ REQUIRED BY the board, ~~prescribes, accompanied by~~
19 a SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO section
20 12-43-204, and ~~who~~ furnishes evidence satisfactory to the board that he
21 or she:

22 (b) Is not in violation of any ~~of the provisions~~ PROVISION of this
23 article ~~and the rules and regulations~~ OR ANY RULE adopted under this
24 article;

25 (e) Has demonstrated professional competence by passing an
26 examination in professional counseling demonstrating special knowledge
27 and skill in applied psychotherapy as prescribed by the board and a

1 written, mail-in jurisprudence examination administered by the
2 department of regulatory agencies DIVISION.

3 (4) The board or its designated representatives shall administer
4 and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the examination and
5 ~~shall~~ take any actions necessary to ensure impartiality. The BOARD SHALL
6 DETERMINE THE passing score for the examination ~~shall be determined by~~
7 ~~the board~~ based upon a level of minimum competency to engage in the
8 practice of licensed professional counseling.

9 (5) (a) THE BOARD SHALL REGISTER AS A LICENSED PROFESSIONAL
10 COUNSELOR CANDIDATE A PERSON WHO:

11 (I) FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED BY
12 THE FEE AS REQUIRED BY SECTION 12-43-204;

13 (II) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR
14 SHE MEETS THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (c) OF
15 SUBSECTION (1) OF THIS SECTION; AND

16 (III) HAS NOT BEEN PREVIOUSLY REGISTERED AS A LICENSED
17 PROFESSIONAL COUNSELOR CANDIDATE BY THE BOARD.

18 (b) A LICENSED PROFESSIONAL COUNSELOR CANDIDATE WHO
19 REGISTERS WITH THE STATE BOARD OF LICENSED PROFESSIONAL
20 COUNSELOR EXAMINERS PURSUANT TO THIS SUBSECTION (5) IS UNDER THE
21 JURISDICTION OF THE BOARD AND IS NOT REQUIRED TO REGISTER WITH THE
22 DATABASE OF REGISTERED PSYCHOTHERAPISTS PURSUANT TO SECTION
23 12-43-702.5.

24 (c) IF A CANDIDATE DOES NOT MEET THE REQUIREMENTS OF
25 PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF THIS SECTION WITHIN
26 FOUR YEARS AFTER INITIAL REGISTRATION, THE CANDIDATE'S
27 REGISTRATION EXPIRES AND IS NOT RENEWABLE, UNLESS THE BOARD, IN

1 ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A PERSON
2 WHOSE LICENSED PROFESSIONAL COUNSELOR CANDIDATE REGISTRATION
3 EXPIRES IS NOT PRECLUDED FROM APPLYING TO THIS BOARD OR TO ANY
4 OTHER BOARD FOR LICENSURE OR REGISTRATION IN A MENTAL HEALTH
5 PROFESSION FOR WHICH THE PERSON IS QUALIFIED.

6 **SECTION 10. Repeal.** 12-43-701 (3) and (4), Colorado Revised
7 Statutes, are repealed as follows:

8 **12-43-701. Definitions.** As used in this part 7, unless the context
9 otherwise requires:

10 (3) ~~"Psychotherapy" means the treatment, diagnosis, testing,~~
11 ~~assessment, or counseling in a professional relationship to assist planned~~
12 ~~procedure of intervention which takes place on a regular basis, over a~~
13 ~~period of time. It is the intent of the general assembly that the definition~~
14 ~~of psychotherapy as used in this part 7 be interpreted in its narrowest~~
15 ~~sense to regulate only those persons who clearly fall within the definition~~
16 ~~set forth in this subsection (3).~~

17 (4) ~~"Unlicensed psychotherapist" means any person whose~~
18 ~~primary practice is psychotherapy or who holds himself or herself out to~~
19 ~~the public as being able to practice psychotherapy for compensation and~~
20 ~~who is not licensed under this title to practice psychotherapy.~~
21 ~~"Unlicensed psychotherapist" also means a person who is a school~~
22 ~~psychologist licensed pursuant to section 22-60.5-210(1)(b), C.R.S., and~~
23 ~~who is practicing outside of a school setting.~~

24 **SECTION 11.** 12-43-702.5, Colorado Revised Statutes, is
25 amended to read:

26 **12-43-702.5. Database of registered psychotherapists -**
27 **unauthorized practice - penalties - data collection.** (1) The grievance

1 board shall maintain a ~~data base~~ DATABASE of all ~~unlicensed persons~~
2 ~~practicing psychotherapy in this state~~ REGISTERED PSYCHOTHERAPISTS.
3 The grievance board shall charge a fee in the same manner as authorized
4 in section 24-34-105, C.R.S., for recording information in the ~~data base~~
5 DATABASE as required by this section. Information in the ~~data base~~
6 DATABASE maintained pursuant to this section ~~shall be~~ IS open to public
7 inspection at all times.

8 (2) Any ~~unlicensed psychotherapist~~ PERSON NOT OTHERWISE
9 LICENSED, REGISTERED, OR CERTIFIED PURSUANT TO THIS ARTICLE WHO IS
10 PRACTICING PSYCHOTHERAPY IN THIS STATE shall ~~record such therapist's~~
11 REGISTER WITH THE GRIEVANCE BOARD BY SUBMITTING HIS OR HER name,
12 current address, educational qualifications, disclosure statements,
13 therapeutic orientation or methodology, or both, and years of experience
14 in each specialty area. ~~with~~ UPON RECEIPT AND REVIEW OF THE REQUIRED
15 INFORMATION, the grievance board ~~for inclusion~~ MAY APPROVE THE
16 PSYCHOTHERAPIST FOR REGISTRATION in the ~~data base~~ DATABASE required
17 by subsection (1) of this section. ~~Unlicensed psychotherapists~~ A
18 REGISTERED PSYCHOTHERAPIST shall ~~be required to~~ update ~~such~~ THIS
19 information ~~at least annually~~ UPON RENEWAL OF HIS OR HER REGISTRATION
20 and at ~~such~~ other times and under ~~such~~ conditions ~~as~~ SPECIFIED BY the
21 grievance board ~~shall prescribe~~ by rule. ~~and regulation.~~ At the time of
22 recording the information required by this section, the ~~unlicensed~~
23 REGISTERED psychotherapist shall indicate whether ~~or not the unlicensed~~
24 ~~psychotherapist~~ HE OR SHE has been convicted of, or entered a plea of
25 guilty or a ~~plea~~ of nolo contendere to, any felony or misdemeanor.
26 ~~Unlicensed psychotherapists recording the information required by this~~
27 ~~section shall be given a copy of the statutes and a copy of the state~~

1 ~~grievance board rules.~~

2 (3) ~~No~~ AN unlicensed person ~~may~~ WHOSE PRIMARY PRACTICE IS
3 PSYCHOTHERAPY OR WHO HOLDS HIMSELF OR HERSELF OUT TO THE PUBLIC
4 AS ABLE TO PRACTICE PSYCHOTHERAPY FOR COMPENSATION SHALL NOT
5 practice psychotherapy ~~if such~~ UNLESS THE person is ~~not~~ REGISTERED
6 WITH THE GRIEVANCE BOARD AND included in the ~~data-base~~ DATABASE
7 required by this section. Notwithstanding the requirements of this
8 section, ~~no unlicensed~~ A REGISTERED psychotherapist ~~may~~ SHALL NOT use
9 the term "~~registered~~", "~~regulated~~" "LICENSED", "certified", "clinical",
10 "~~state-registered~~", "state-approved", or any other term or abbreviation that
11 would falsely give the impression that the psychotherapist or the service
12 that is being provided is recommended by the state, based solely on
13 inclusion in the ~~data-base~~ DATABASE.

14 (4) ~~No person may be listed by~~ The grievance board SHALL NOT
15 REGISTER A PERSON pursuant to this section unless ~~such~~ THE person has
16 successfully completed a written, mail-in jurisprudence examination
17 developed and approved by the department of regulatory agencies
18 DIVISION.

19 (5) Any unlicensed person who practices psychotherapy without
20 first complying with the ~~recording~~ REGISTRATION requirements of this
21 section commits a class 2 misdemeanor and shall be punished as provided
22 in section 18-1.3-501, C.R.S., for the first offense, and for the second or
23 any subsequent offense, the person commits a class 6 felony and shall be
24 punished as provided in section 18-1.3-401, C.R.S.

25 **SECTION 12.** The introductory portion to 12-43-304 (1) and
26 12-43-304 (1) (b), (1) (e), (1.5) (c), and (7), Colorado Revised Statutes,
27 are amended to read:

1 **12-43-304. Qualifications - examinations - licensure.** (1) The
2 board shall issue a license as a psychologist ~~and issue an appropriate~~
3 ~~license certificate~~, to each applicant who files an application ~~upon~~ IN a
4 form and ~~in such~~ manner as REQUIRED BY the board, ~~prescribes,~~
5 ~~accompanied by such~~ SUBMITS THE fee as is required by the board
6 PURSUANT TO SECTION 12-43-204, and ~~who~~ furnishes evidence
7 satisfactory to the board that he or she:

8 (b) Is not in violation of any of the ~~provisions of this part 3 and~~
9 ~~the~~ PROVISION OF THIS ARTICLE OR ANY rules promulgated by the board;

10 (e) Has demonstrated professional competence by passing a
11 single, written examination in psychology as prescribed by the board and
12 a written, mail-in jurisprudence examination administered by the
13 department of regulatory agencies DIVISION.

14 (1.5) (c) The board or its designated representatives shall
15 administer and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the
16 examination and ~~shall~~ take any actions necessary to ensure impartiality.
17 The BOARD SHALL DETERMINE THE passing score for the examination ~~shall~~
18 ~~be determined by the board~~ based upon a level of minimum competency
19 to engage in the practice of psychology.

20 (7) (a) The board shall register as a psychologist candidate a
21 person who files an application ~~therefor~~ FOR REGISTRATION, accompanied
22 by ~~such~~ THE fee as is required by section 12-43-204, AND who:

23 (I) Submits evidence satisfactory to the board that he or she has
24 met the requirements of paragraphs (a), (b), and (c) of subsection (1) of
25 this section; and ~~who~~

26 (II) Has not been previously registered as a psychologist candidate
27 by the board.

1 (b) ~~Such candidate~~ A PSYCHOLOGIST CANDIDATE REGISTERED
2 PURSUANT TO THIS SUBSECTION (7) is not required to register with the
3 database of ~~unlicensed~~ REGISTERED psychotherapists PURSUANT TO
4 SECTION 12-43-702.5, and ~~shall be~~ IS under the jurisdiction of the state
5 board of psychologist examiners. ~~A person shall complete the~~
6 ~~requirements of paragraphs (d) and (e) of subsection (1) of this section~~
7 ~~within four years after initial registration with the psychology board.~~ If
8 ~~such~~ THE requirements OF PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF
9 THIS SECTION are not met within four years, the registration of the
10 psychologist candidate ~~shall expire~~ EXPIRES. A person whose
11 psychologist candidate registration ~~has expired shall not be~~ EXPIRES IS
12 NOT precluded from applying for licensure or registration with any other
13 mental health board for which the person is qualified.

14 **SECTION 13.** The introductory portion to 12-43-404 (1),
15 12-43-404 (1) (c), the introductory portion to 12-43-404 (2), and
16 12-43-404 (2) (c), (2) (d), and (2.5), Colorado Revised Statutes, are
17 amended to read:

18 **12-43-404. Qualifications - examination - licensure and**
19 **registration.** (1) The board shall license as a licensed social worker ~~and~~
20 ~~issue an appropriate certificate to,~~ any person who files an application
21 ~~therefor, accompanied by such~~ IN A FORM AND MANNER REQUIRED BY THE
22 BOARD, SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO
23 section 12-43-204, and ~~who~~ submits evidence satisfactory to the board
24 that he or she:

25 (c) Demonstrates professional competence by satisfactorily
26 passing an examination in social work and a written, COMPUTER-BASED
27 OR mail-in jurisprudence examination administered by the department of

1 regulatory agencies.

2 (2) The board shall license as a licensed clinical social worker ~~and~~
3 ~~issue an appropriate certificate to,~~ any person who files an application,
4 ~~therefor, accompanied by such~~ IN A FORM AND MANNER APPROVED BY THE
5 BOARD, SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO
6 section 12-43-204, and ~~who~~ submits evidence satisfactory to the board
7 that he or she:

8 (c) Has practiced social work for at least two years under the
9 supervision of a licensed clinical social worker, WHICH PRACTICE
10 INCLUDES TRAINING AND WORK EXPERIENCE IN THE AREA OF CLINICAL
11 SOCIAL WORK PRACTICE; and

12 (d) Demonstrates professional competence by satisfactorily
13 passing an examination in social work as prescribed by the board and a
14 written, mail-in jurisprudence examination administered by the
15 department of regulatory agencies DIVISION.

16 (2.5) (a) The BOARD OR ITS DESIGNATED REPRESENTATIVE SHALL
17 GIVE THE examination ~~by the board~~ described in paragraph (c) of
18 subsection (1) of this section and in paragraph (d) of subsection (2) of this
19 section ~~shall be given not less than~~ AT LEAST twice per year at ~~such~~ A time
20 and place and under ~~such~~ THE supervision ~~as~~ DETERMINED BY the board.
21 ~~may determine.~~

22 (b) The board or its designated representatives shall administer
23 and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the examination and
24 ~~shall~~ take any actions necessary to ensure impartiality. The BOARD SHALL
25 DETERMINE THE passing score for the examination ~~shall be determined by~~
26 ~~the board~~ based upon a level of minimum competency to engage in social
27 work practice.

1 **SECTION 14.** The introductory portion to 12-43-222 (1) and
2 12-43-222 (1) (a), (1) (e), (1) (f), (1) (g), (1) (q), (1) (t) (I), (1) (t) (III),
3 (1) (v), (1) (w), and (2), Colorado Revised Statutes, are amended, and the
4 said 12-43-222 (1) is further amended BY THE ADDITION OF A NEW
5 PARAGRAPH, to read:

6 **12-43-222. Prohibited activities - related provisions.** (1) A
7 person licensed, registered, OR certified ~~or regulated~~ under ~~part 3, 4, 5, 6,~~
8 ~~7, or 8~~ of this article is ~~in violation of~~ VIOLATES this article if ~~such~~ THE
9 person:

10 (a) Has been convicted of OR PLED GUILTY OR NOLO CONTENDERE
11 TO a felony ~~or has had accepted by a court a plea of guilty or nolo~~
12 ~~contendere to a felony if the felony is related to the ability to practice~~
13 ~~under this article~~ OR RECEIVED A DEFERRED SENTENCE TO A FELONY
14 CHARGE. A certified copy of the judgment of a court of competent
15 jurisdiction of such conviction or plea ~~shall be~~ IS conclusive evidence of
16 ~~such~~ THE conviction or plea. In considering the disciplinary action, each
17 board ~~shall be~~ IS governed by ~~the provisions of~~ section 24-5-101, C.R.S.

18 (e) ~~Is~~ Habitually ~~intemperate~~ or excessively uses ~~any~~ OR ABUSES
19 ALCOHOL, A habit-forming drug, or is ~~a habitual user of any~~ A controlled
20 substance, as defined in section 12-22-303; ~~(7), or any alcoholic~~
21 ~~beverage, any of which renders him or her unfit to practice pursuant to~~
22 ~~part 3, 4, 5, 6, 7, or 8 of this article;~~

23 (f) (I) ~~Has~~ FAILS TO NOTIFY THE BOARD THAT REGULATES HIS OR
24 HER PROFESSION OF a physical or mental ~~disability~~ ILLNESS OR CONDITION
25 that ~~renders such person unable~~ AFFECTS THE PERSON'S ABILITY to treat
26 clients with reasonable skill and safety or that may endanger the health or
27 safety of persons under ~~such person's~~ HIS OR HER care;

1 (II) FAILS TO ACT WITHIN THE LIMITATIONS CREATED BY A
2 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE PERSON
3 UNABLE TO TREAT CLIENTS WITH REASONABLE SKILL AND SAFETY OR THAT
4 MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER
5 CARE; OR

6 (III) FAILS TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER
7 A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION
8 12-43-221.5;

9 (g) (I) Has acted or failed to act in a manner that does not meet the
10 generally accepted standards of the professional discipline under which
11 ~~such~~ THE person practices. GENERALLY ACCEPTED STANDARDS MAY
12 INCLUDE, AT THE BOARD'S DISCRETION, THE STANDARDS OF PRACTICE
13 GENERALLY RECOGNIZED BY STATE AND NATIONAL ASSOCIATIONS OF
14 PRACTITIONERS IN THE FIELD OF THE PERSON'S PROFESSIONAL DISCIPLINE.

15 (II) A certified copy of a malpractice judgment of a court of
16 competent jurisdiction ~~shall be~~ IS conclusive evidence ~~of such~~ THAT THE
17 act or omission == DOES NOT MEET GENERALLY ACCEPTED STANDARDS OF
18 THE PROFESSIONAL DISCIPLINE, but evidence of ~~such~~ THE act or omission
19 ~~shall~~ IS not ~~be~~ limited to a malpractice judgment.

20 ==
21 (q) Has offered or given commissions, rebates, or other forms of
22 remuneration for the referral of clients; ~~Notwithstanding this provision,~~
23 EXCEPT THAT a licensee, registrant, or ~~unlicensed psychotherapist~~
24 CERTIFICATE HOLDER may pay an independent advertising or marketing
25 agent compensation for advertising or marketing services rendered on
26 ~~such~~ THE person's behalf by such agent, including compensation that is
27 paid for the results of performance of such services on a per-patient basis;

1 (t) Has engaged in any of the following activities and practices:

2 (I) ~~Willful and Repeated ordering or performance without clinical~~
3 ~~justification, of~~ PERFORMING demonstrably unnecessary laboratory tests
4 or studies WITHOUT CLINICAL JUSTIFICATION FOR THE TESTS OR STUDIES;

5 (III) Ordering or performing ~~without clinical justification~~, any
6 service ~~X-ray~~, or treatment that is contrary to the generally accepted
7 standards of ~~such~~ THE person's practice AND IS WITHOUT CLINICAL
8 JUSTIFICATION; ~~or~~

9 (v) Has committed a fraudulent insurance act, as set forth in
10 section 10-1-128, C.R.S.; ~~or~~

11 (w) Has sold or fraudulently obtained or furnished a license,
12 REGISTRATION, OR certification ~~or registration~~ to practice as a
13 PSYCHOLOGIST, social worker, marriage and family therapist, LICENSED
14 professional counselor, ~~psychologist~~, PSYCHOTHERAPIST, or addiction
15 counselor or has aided or abetted ~~therein~~ IN SUCH ACTIVITIES; OR

16 (x) HAS FAILED TO RESPOND, IN THE MANNER REQUIRED BY THE
17 BOARD, TO A COMPLAINT FILED WITH OR BY THE BOARD AGAINST THE
18 LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER.

19 (2) A disciplinary action relating to a license, registration, OR
20 certification ~~or listing~~ to practice a profession licensed, registered, OR
21 certified ~~or listed~~ under ~~part 3, 4, 5, 6, 7, or 8~~ of this article or any related
22 occupation in any other state, territory, or country for disciplinary reasons
23 ~~shall be deemed to be~~ CONSTITUTES prima facie evidence of grounds for
24 disciplinary action, including denial of licensure, REGISTRATION, OR
25 CERTIFICATION, by a board. ~~or the director.~~ This subsection (2) ~~shall~~
26 ~~apply~~ APPLIES only to disciplinary actions based upon acts or omissions
27 in such other state, territory, or country substantially similar to those ACTS

1 OR OMISSIONS set out as grounds for disciplinary action pursuant to
2 subsection (1) of this section.

3 **SECTION 15.** 12-43-223 (1) and (3), Colorado Revised Statutes,
4 are amended to read:

5 **12-43-223. Authority of licensing boards and the grievance**
6 **board - cease-and-desist orders - rules.** (1) (a) If a licensee, registrant,
7 or ~~unlicensed psychotherapist has violated~~ CERTIFICATE HOLDER
8 VIOLATES any of the provisions PROVISION of section 12-43-222, the
9 board that licenses, registers, or ~~regulates such~~ CERTIFIES THE licensee,
10 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER may:

11 (I) Deny, revoke, or suspend ~~any~~ THE PERSON'S license, ~~or~~
12 registration, or CERTIFICATION;

13 (II) DENY, REVOKE, OR SUSPEND the listing of ~~any unlicensed~~ A
14 REGISTERED psychotherapist in the grievance board ~~data base~~ DATABASE;

15 (III) Issue a letter of admonition to a licensee, registrant, or
16 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER;

17 (IV) Issue a confidential letter of concern to a licensee, registrant,
18 or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER;

19 (V) Place a licensee, registrant, or ~~unlicensed psychotherapist~~
20 CERTIFICATE HOLDER on probation; or

21 (VI) Apply for an injunction pursuant to section 12-43-227 to
22 enjoin a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE
23 HOLDER from practicing the profession for which ~~such~~ THE person is
24 licensed, registered, or ~~regulated~~ CERTIFIED under this article.

25 (b) WHEN A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER
26 VIOLATES AN ADMINISTRATIVE REQUIREMENT OF THIS ARTICLE, THE
27 BOARD REGULATING THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER

1 MAY IMPOSE AN ADMINISTRATIVE FINE ON THE LICENSEE, REGISTRANT, OR
2 CERTIFICATE HOLDER, NOT TO EXCEED FIVE THOUSAND DOLLARS PER
3 VIOLATION. EACH BOARD SHALL ADOPT RULES ESTABLISHING A SCHEDULE
4 OF FINES SETTING FORTH DIFFERENT LEVELS OF FINES BASED ON WHETHER
5 THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER HAS COMMITTED A
6 SINGLE VIOLATION OR SUBSEQUENT VIOLATIONS OF ADMINISTRATIVE
7 REQUIREMENTS.

8 (3) ~~If an unlicensed psychotherapist violates any of the provisions~~
9 ~~of section 12-43-222, the grievance board may refuse to include, or~~
10 ~~permanently or for a set period of time strike the name of such~~
11 ~~psychotherapist from, the data base maintained pursuant to section~~
12 ~~12-43-702.5, issue a letter of admonition to such unlicensed~~
13 ~~psychotherapist, place such unlicensed psychotherapist on probation, or~~
14 ~~apply for an injunction pursuant to section 12-43-227 to enjoin such~~
15 ~~unlicensed psychotherapist from practicing psychotherapy.~~

16 **SECTION 16.** Part 2 of article 43 of title 12, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
18 SECTIONS to read:

19 **12-43-221.5. Confidential agreement to limit practice -**
20 **violation grounds for discipline.** (1) IF A LICENSEE, REGISTRANT, OR
21 CERTIFICATE HOLDER HAS A PHYSICAL OR MENTAL ILLNESS OR CONDITION
22 THAT RENDERS THE PERSON UNABLE TO PRACTICE HIS OR HER MENTAL
23 HEALTH PROFESSION WITH REASONABLE SKILL AND WITH SAFETY TO
24 CLIENTS, THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SHALL
25 NOTIFY THE BOARD THAT REGULATES HIS OR HER PROFESSION OF THE
26 ILLNESS OR CONDITION IN A MANNER AND WITHIN A PERIOD DETERMINED
27 BY HIS OR HER OVERSIGHT BOARD. THE APPLICABLE BOARD MAY REQUIRE

1 THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER TO SUBMIT TO AN
2 EXAMINATION OR REFER THE LICENSEE, REGISTRANT, OR CERTIFICATE
3 HOLDER TO A PEER HEALTH ASSISTANCE PROGRAM, IF SUCH PROGRAM
4 EXISTS, TO EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS
5 IMPACT ON THE LICENSEE'S, REGISTRANT'S, OR CERTIFICATE HOLDER'S
6 ABILITY TO PRACTICE WITH REASONABLE SKILL AND WITH SAFETY TO
7 CLIENTS.

8 (2) (a) UPON DETERMINING THAT A LICENSEE, REGISTRANT, OR
9 CERTIFICATE HOLDER WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION
10 IS ABLE TO RENDER LIMITED SERVICES WITH REASONABLE SKILL AND WITH
11 SAFETY TO CLIENTS, THE APPLICABLE BOARD MAY ENTER INTO A
12 CONFIDENTIAL AGREEMENT WITH THE LICENSEE, REGISTRANT, OR
13 CERTIFICATE HOLDER IN WHICH THE LICENSEE, REGISTRANT, OR
14 CERTIFICATE HOLDER AGREES TO LIMIT HIS OR HER PRACTICE BASED ON
15 THE RESTRICTIONS IMPOSED BY THE ILLNESS OR CONDITION, AS
16 DETERMINED BY THE APPLICABLE BOARD.

17 (b) AS PART OF THE AGREEMENT, THE LICENSEE, REGISTRANT, OR
18 CERTIFICATE HOLDER IS SUBJECT TO PERIODIC REEVALUATIONS OR
19 MONITORING AS DETERMINED APPROPRIATE BY THE APPLICABLE BOARD.
20 THE BOARD MAY REFER THE LICENSEE, REGISTRANT, OR CERTIFICATE
21 HOLDER TO A PEER ASSISTANCE HEALTH PROGRAM, IF ONE EXISTS, FOR
22 REEVALUATION OR MONITORING.

23 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS
24 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF
25 MONITORING.

26 (3) BY ENTERING INTO AN AGREEMENT WITH THE APPLICABLE
27 BOARD PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE

1 LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS NOT ENGAGING IN
2 ACTIVITIES PROHIBITED PURSUANT TO SECTION 12-43-222. THE
3 AGREEMENT DOES NOT CONSTITUTE A RESTRICTION OR DISCIPLINE
4 BY THE APPLICABLE BOARD. HOWEVER, IF THE LICENSEE, REGISTRANT, OR
5 CERTIFICATE HOLDER FAILS TO COMPLY WITH THE TERMS OF AN
6 AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE FAILURE
7 CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION 12-43-222
8 (1) (f), AND THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS
9 SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-43-223.

10 (4) THIS SECTION DOES NOT APPLY TO A LICENSEE, REGISTRANT, OR
11 CERTIFICATE HOLDER SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES
12 AS DESCRIBED IN SECTION 12-43-222 (1) (e).

13 **12-43-227.5. Mental health professional peer health assistance**
14 **program - fees - administration - rules.** (1) (a) ON AND AFTER JULY 1,
15 2012, AS A CONDITION OF LICENSURE, REGISTRATION, OR CERTIFICATION
16 AND RENEWAL IN THIS STATE, EVERY PERSON APPLYING FOR A NEW
17 LICENSE, REGISTRATION, OR CERTIFICATION OR TO RENEW HIS OR HER
18 LICENSE, REGISTRATION, OR CERTIFICATION SHALL PAY A FEE, FOR USE
19 BY THE ADMINISTERING ENTITY SELECTED BY THE DIRECTOR PURSUANT TO
20 THIS SUBSECTION (1), IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE
21 DOLLARS PER APPLICATION FOR A NEW OR TO RENEW A LICENSE,
22 REGISTRATION, OR CERTIFICATION. THE DIRECTOR MAY ADJUST THE
23 MAXIMUM FEE AMOUNT ON JANUARY 1, 2012, AND ANNUALLY
24 THEREAFTER TO REFLECT CHANGES IN THE UNITED STATES BUREAU OF
25 STATISTICS CONSUMER PRICE INDEX FOR THE DENVER-BOULDER
26 CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN
27 CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX. THE FEE SHALL BE

1 FORWARDED TO THE CHOSEN ADMINISTERING ENTITY FOR USE IN
2 SUPPORTING DESIGNATED PROVIDERS SELECTED _____ TO PROVIDE
3 ASSISTANCE TO LICENSEES, REGISTRANTS, OR CERTIFICATE HOLDERS
4 NEEDING HELP IN DEALING WITH PHYSICAL, EMOTIONAL, OR
5 PSYCHOLOGICAL CONDITIONS THAT MAY BE DETRIMENTAL TO THEIR
6 ABILITY TO PRACTICE THEIR MENTAL HEALTH PROFESSION.

7 (b) THE DIRECTOR, IN CONSULTATION WITH THE BOARDS, SHALL
8 SELECT ONE OR MORE PEER HEALTH ASSISTANCE PROGRAMS AS
9 DESIGNATED PROVIDERS. FOR PURPOSES OF SELECTING DESIGNATED
10 PROVIDERS, THE DIRECTOR SHALL USE A COMPETITIVE BIDDING PROCESS
11 THAT ENCOURAGES PARTICIPATION FROM INTERESTED VENDORS. TO BE
12 ELIGIBLE FOR DESIGNATION, A PEER HEALTH ASSISTANCE PROGRAM MUST:

13 (I) PROVIDE FOR THE EDUCATION OF MENTAL HEALTH
14 PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF
15 PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND PROVIDE
16 FOR INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES
17 ESTABLISHED BY THE BOARD BY RULE;

18 (II) OFFER ASSISTANCE TO A MENTAL HEALTH PROFESSIONAL IN
19 IDENTIFYING PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS;

20 (III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR
21 PSYCHOLOGICAL CONDITIONS AND REFER THE MENTAL HEALTH
22 PROFESSIONAL FOR APPROPRIATE TREATMENT;

23 (IV) MONITOR THE STATUS OF A MENTAL HEALTH PROFESSIONAL
24 WHO HAS BEEN REFERRED FOR TREATMENT;

25 (V) PROVIDE COUNSELING AND SUPPORT FOR THE MENTAL HEALTH
26 PROFESSIONAL AND FOR THE FAMILY OF ANY MENTAL HEALTH
27 PROFESSIONAL REFERRED FOR TREATMENT;

1 (VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND
2 (VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED,
3 REGISTERED, OR CERTIFIED MENTAL HEALTH PROFESSIONALS.

4 (c) THE DIRECTOR MAY SELECT AN ENTITY TO ADMINISTER THE
5 MENTAL HEALTH PROFESSIONAL PEER ASSISTANCE PROGRAM. AN
6 ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE FOUNDATION
7 THAT IS QUALIFIED UNDER SECTION 501 (c) (3) OF THE FEDERAL
8 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT IS
9 DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT,
10 EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO MENTAL
11 HEALTH PROFESSIONS, MENTAL HEALTH PROFESSIONAL EDUCATION,
12 MENTAL HEALTH RESEARCH AND SCIENCE, AND OTHER MENTAL HEALTH
13 CHARITABLE PURPOSES.

14 (d) THE ADMINISTERING ENTITY SHALL:

15 (I) DISTRIBUTE THE MONEYS COLLECTED BY THE DIVISION, ___
16 LESS EXPENSES, TO THE DESIGNATED PROVIDER, AS DIRECTED BY THE
17 DIRECTOR;

18 (II) PROVIDE AN ANNUAL ACCOUNTING TO THE DIVISION OF ALL
19 AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED;
20 AND

21 (III) POST A SURETY PERFORMANCE BOND IN AN AMOUNT
22 SPECIFIED BY THE DIRECTOR TO SECURE PERFORMANCE UNDER THE
23 REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY
24 RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING
25 ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN
26 PERCENT OF THE TOTAL AMOUNT COLLECTED.

27 (e) THE DIVISION SHALL COLLECT THE REQUIRED ANNUAL

1 PAYMENTS PAYABLE TO THE ADMINISTERING ENTITY FOR THE BENEFIT OF
2 THE ADMINISTERING ENTITY AND SHALL TRANSFER ALL SUCH PAYMENTS
3 TO THE ADMINISTERING ENTITY. ALL REQUIRED ANNUAL PAYMENTS
4 COLLECTED OR DUE ___ FOR EACH FISCAL YEAR ARE CUSTODIAL FUNDS
5 THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY,
6 AND THE DISTRIBUTION OF PAYMENTS TO THE ADMINISTERING ENTITY OR
7 EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES
8 NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION
9 20 OF ARTICLE X OF THE STATE CONSTITUTION.

10 (2) (a) ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED BY
11 THE APPLICABLE BOARD TO A PEER HEALTH ASSISTANCE PROGRAM SHALL
12 ENTER INTO A STIPULATION WITH THE BOARD PURSUANT TO SECTION
13 12-43-223 (6) BEFORE PARTICIPATING IN THE PROGRAM. THE AGREEMENT
14 MUST CONTAIN SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE
15 PARTICIPANT, INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM
16 WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A PROVISION
17 THAT A FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS ARE TO
18 BE PROMPTLY REPORTED TO THE BOARD AND THAT SUCH FAILURE WILL
19 RESULT IN DISCIPLINARY ACTION BY THE BOARD.

20 (b) NOTWITHSTANDING SECTIONS 12-43-223, 12-43-224, AND
21 24-4-104, C.R.S., THE APPLICABLE BOARD MAY IMMEDIATELY SUSPEND
22 THE LICENSE OF ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED TO
23 A PEER HEALTH ASSISTANCE PROGRAM BY THE BOARD AND WHO FAILS TO
24 ATTEND OR TO COMPLETE THE PROGRAM. IF THE MENTAL HEALTH
25 PROFESSIONAL OBJECTS TO THE SUSPENSION, HE OR SHE MAY SUBMIT A
26 WRITTEN REQUEST TO THE BOARD FOR A FORMAL HEARING ON THE
27 SUSPENSION WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE

1 SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST. IN THE
2 HEARING, THE MENTAL HEALTH PROFESSIONAL BEARS THE BURDEN OF
3 PROVING THAT HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATION
4 SHOULD NOT BE SUSPENDED.

5 (c) ANY MENTAL HEALTH PROFESSIONAL WHO SELF-REFERS AND
6 IS ACCEPTED INTO A PEER HEALTH ASSISTANCE PROGRAM SHALL AFFIRM
7 THAT, TO THE BEST OF HIS OR HER KNOWLEDGE, INFORMATION, AND
8 BELIEF, HE OR SHE KNOWS OF NO INSTANCE IN WHICH HE OR SHE HAS
9 VIOLATED THIS ARTICLE OR THE RULES OF THE BOARD, EXCEPT IN THOSE
10 INSTANCES AFFECTED BY THE MENTAL HEALTH PROFESSIONAL'S PHYSICAL,
11 EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS.

12 (3) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE
13 APPLICABLE DIRECTOR, DIVISION, OR THE STATE OF COLORADO FOR THEIR
14 ACTIONS ___ IN MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO
15 CIVIL ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE BOARD,
16 DIRECTOR, DIVISION, OR THE STATE FOR AN INJURY ALLEGED TO HAVE
17 BEEN THE RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED PEER
18 ASSISTANCE PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF A
19 MENTAL HEALTH PROFESSIONAL PARTICIPATING IN OR REFERRED BY A
20 STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER, THE STATE
21 REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY
22 ACT", ARTICLE 10 OF TITLE 24, C.R.S., IF AN INJURY ALLEGED TO HAVE
23 BEEN THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH
24 PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER
25 ASSISTANCE PROGRAM OCCURRED WHILE SUCH MENTAL HEALTH
26 PROFESSIONAL WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE STATE.

27 (4) THE BOARDS MAY PROMULGATE RULES NECESSARY TO

1 IMPLEMENT THIS SECTION. THE BOARDS AND THE DIRECTOR SHALL SEEK
2 AND OBTAIN INPUT FROM REPRESENTATIVES OF EACH TYPE OF MENTAL
3 HEALTH PROFESSIONAL REGULATED UNDER THIS ARTICLE IN THE
4 DEVELOPMENT OF THE PEER HEALTH ASSISTANCE PROGRAM AND RELATED
5 RULES.

6 (5) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL"
7 MEANS A PSYCHOLOGIST, SOCIAL WORKER, CLINICAL SOCIAL WORKER,
8 MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR,
9 PSYCHOTHERAPIST, OR ADDICTION COUNSELOR REGULATED UNDER THIS
10 ARTICLE.

11 **SECTION 17.** 12-43-101, Colorado Revised Statutes, is amended
12 to read:

13 **12-43-101. Legislative declaration.** The general assembly
14 hereby finds and determines that, in order to safeguard the public health,
15 safety, and welfare of the people of this state and in order to protect the
16 people of this state against the unauthorized, unqualified, and improper
17 application of ~~psychotherapy~~, psychology, social work, marriage and
18 family therapy, professional counseling, PSYCHOTHERAPY, and addiction
19 counseling, it is necessary that the proper regulatory authorities be
20 established and adequately provided for. The general assembly therefore
21 declares that there shall be established a state board of psychologist
22 examiners, a state board of social work examiners, a state board of
23 marriage and family therapist examiners, ~~and~~ a state board of licensed
24 professional counselor examiners AND A STATE BOARD OF ADDICTION
25 COUNSELOR EXAMINERS with the authority to license, REGISTER, OR
26 CERTIFY, and take disciplinary actions or bring injunctive actions, or both,
27 concerning licensed psychologists AND psychologist candidates, licensed

1 social workers, licensed marriage and family therapists and MARRIAGE
2 AND FAMILY THERAPIST CANDIDATES, and licensed professional counselors
3 AND LICENSED PROFESSIONAL COUNSELOR CANDIDATES, AND LICENSED
4 AND CERTIFIED ADDICTION COUNSELORS, respectively, AND MENTAL
5 HEALTH PROFESSIONALS WHO HAVE BEEN ISSUED A PROVISIONAL LICENSE
6 PURSUANT TO THIS ARTICLE. There shall also be a state grievance board
7 with the authority to take disciplinary actions or bring injunctive actions,
8 or both, concerning ~~unlicensed~~ REGISTERED psychotherapists.
9 ~~Additionally, the director of the division of registrations in the department~~
10 ~~of regulatory agencies is authorized to certify and license addiction~~
11 ~~counselors and take disciplinary actions or bring injunctive actions, or~~
12 ~~both, concerning addiction counselors.~~

13 **SECTION 18.** 12-43-202, Colorado Revised Statutes, is amended
14 to read:

15 **12-43-202. Practice outside of or beyond professional training,**
16 **experience, or competence - general scope of practice for licensure,**
17 **registration, or certification.** (1) Notwithstanding any other provision
18 of this article, no licensee, registrant, OR certificate holder ~~or unlicensed~~
19 ~~psychotherapist~~ is authorized to practice outside of or beyond his or her
20 area of training, experience, or competence.

21 (2) THE PRACTICE OF PSYCHOTHERAPY IS ONE AREA OF PRACTICE
22 FOR MENTAL HEALTH PROFESSIONALS LICENSED, CERTIFIED, OR
23 REGISTERED PURSUANT TO THIS ARTICLE BUT MAY NOT BE THE ONLY OR
24 PRIMARY PRACTICE AREA OF SUCH PROFESSIONALS, OTHER THAN PERSONS
25 REGISTERED AS PSYCHOTHERAPISTS PURSUANT TO PART 7 OF THIS
26 ARTICLE. THE REQUIREMENTS FOR LICENSURE, REGISTRATION, OR
27 CERTIFICATION AS A MENTAL HEALTH PROFESSIONAL PURSUANT TO THIS

1 ARTICLE ARE CONTAINED IN SECTIONS 12-43-303, 12-43-403, 12-43-503,
2 12-43-602.5, AND 12-43-803, WHICH DEFINE THE PRACTICE OF
3 PSYCHOLOGY, SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, LICENSED
4 PROFESSIONAL COUNSELING, AND ADDICTION COUNSELING, RESPECTIVELY.

5 **SECTION 19.** 12-43-203 (2) (a), (3.5), (4), (7), and (11) (a),
6 Colorado Revised Statutes, are amended to read:

7 **12-43-203. Boards - meetings - duties - powers - removal of**
8 **members - immunity.** (2) (a) (I) Each board shall annually hold a
9 meeting and elect from its membership a chairperson and
10 vice-chairperson. Each board shall meet at such times as it deems
11 necessary or advisable or as deemed necessary and advisable by the
12 chairperson OR a majority of its members. ~~or the governor.~~ Each board
13 may conduct meetings by electronic means. EACH BOARD SHALL GIVE
14 reasonable notice of ~~all~~ ITS meetings ~~shall be given~~ in the manner
15 prescribed by each board LAW. A majority of each board ~~shall constitute~~
16 CONSTITUTES a quorum at any meeting or hearing.

17 (II) All meetings ~~shall be~~ ARE open to the public, except when:

18 (A) A board, or an administrative law judge acting on behalf of
19 a board, specifically determines that the harm to a complainant or other
20 recipient of services to keep such proceedings or RELATED documents
21 ~~relating thereto~~ open to the public outweighs the public interest in
22 observing the proceedings; or ~~when~~

23 (B) The licensee, registrant, or ~~unlicensed psychotherapist~~
24 CERTIFICATE HOLDER is participating in good faith in a program approved
25 by the board designed to end ~~such~~ AN addiction or dependency and the
26 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER
27 has not violated ~~any provisions of~~ the board's order regarding ~~such~~ THE

1 person's participation in ~~such~~ THE treatment program.

2 (III) If the board determines that it is in the best interest of a
3 complainant or other recipient of services to keep ~~such~~ proceedings or
4 RELATED documents ~~relating thereto~~ closed to the public, the final action
5 of the board ~~shall~~ MUST be open to the public without disclosing the name
6 of the client or other recipient. In all open meetings, the board shall take
7 reasonable steps ~~not to disclose~~ KEEP the names of the recipients of
8 services CONFIDENTIAL.

9 (3.5) In carrying out its duties related to the approval of
10 applications for licensure, REGISTRATION, OR CERTIFICATION pursuant to
11 this section, section 12-43-212, and ~~parts 3, 4, 5, 6, and 7~~ of this article,
12 each board shall delegate the function of the preliminary review and
13 approval of applications to the staff of ~~each such~~ THE board, with
14 approval of ~~such applications~~ AN APPLICATION ratified by action of ~~each~~
15 ~~such~~ THE board. Each board, in its sole discretion, may individually
16 review any application requiring board consideration prior to the approval
17 ~~thereof~~ OF THE APPLICATION pursuant to section 12-43-212 and ~~parts 3,~~
18 ~~4, 5, 6, and 7~~ of this article.

19 (4) Each board ~~and the director~~ shall maintain current lists of the
20 names of all licensees, registrants, AND certificate holders ~~and unlicensed~~
21 ~~psychotherapists~~ and records of cases and decisions rendered by the
22 board. ~~or the director~~. In addition, each board ~~and the director~~ shall keep
23 an accurate record of the results of all examinations. for at least five years
24 subsequent to the date of the examination. ==

25 (7) (a) ~~The director and any~~ A member of a board or of a
26 professional review committee authorized by a board, ~~or director, any~~ A
27 member of staff to a board OR committee, ~~or the director, any~~ A person

1 acting as a witness or consultant to a board OR committee, ~~or the director,~~
2 ~~any~~ A witness testifying in a proceeding authorized under this article, and
3 ~~any~~ A person who lodges a complaint pursuant to this article ~~shall be~~ IS
4 immune from liability in ~~any~~ A civil action brought against him or her for
5 acts occurring while acting in his or her capacity as ~~the director,~~ A board
6 or committee member, staff, consultant, or witness, respectively, if ~~such~~
7 THE individual was acting in good faith within the scope of his or her
8 respective capacity, made a reasonable effort to obtain the facts of the
9 matter as to which he or she acted, and acted in the reasonable belief that
10 the action taken by him or her was warranted by the facts. ~~Any~~ A person
11 participating in good faith in lodging a complaint or participating in ~~any~~
12 AN investigative or administrative proceeding pursuant to this article ~~shall~~
13 ~~be~~ IS immune from any civil or criminal liability that may result from such
14 participation.

15 (b) ~~Further, any~~ A person participating in good faith in the making
16 of a complaint or report or participating in any investigative or
17 administrative proceeding before the board ~~or the director,~~ pursuant to
18 this article ~~shall be~~ IS immune from any CIVIL OR CRIMINAL liability ~~civil~~
19 ~~or criminal,~~ that ~~otherwise~~ might result by reason of ~~such~~ THE action.

20 (11) (a) (I) SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH
21 (II) OF THIS PARAGRAPH (a), a professional review committee may be
22 established pursuant to this subsection (11) to investigate the quality of
23 care being given by a person licensed, registered, OR certified ~~or regulated~~
24 pursuant to this article. If ~~such~~ a PROFESSIONAL REVIEW committee is
25 established, it ~~shall~~ MUST include in its membership at least three persons
26 licensed, registered, OR certified ~~or regulated~~ under ~~either part 3, 4, 5, 6,~~
27 ~~7, or 8~~ of this article, ~~whichever is applicable,~~ and such persons ~~shall~~

1 MUST be licensees, registrants, OR certificate holders ~~or unlicensed~~
2 ~~psychotherapists~~ in the same profession as the licensee, registrant, OR
3 certificate holder ~~or unlicensed psychotherapist~~ who is the subject of a
4 professional review proceeding. ~~but such~~

5 (II) A PROFESSIONAL REVIEW committee may be authorized to act
6 only by a society or an association of persons licensed, registered, OR
7 certified ~~or regulated~~ pursuant to this article whose membership includes
8 not less than one-third of the persons licensed, registered, OR certified ~~or~~
9 ~~regulated~~ pursuant to ~~part 3, 4, 5, 6, 7, or 8~~ of this article ~~whichever is~~
10 ~~applicable~~, residing in this state if the licensee, registrant, OR certificate
11 holder ~~or unlicensed psychotherapist~~ whose services are the subject of
12 review is a member of ~~such~~ THE society or association.

13 **SECTION 20.** 12-43-203.5, Colorado Revised Statutes, is
14 amended to read:

15 **12-43-203.5. Limitation on authority.** The authority granted
16 each board under the provisions of this article ~~shall~~ DOES NOT BE CONSTRUED
17 ~~to~~ authorize a board to arbitrate or adjudicate fee disputes between
18 licensees, REGISTRANTS, OR CERTIFICATE HOLDERS, or between a licensee,
19 REGISTRANT, OR CERTIFICATE HOLDER and any other party.

20 **SECTION 21.** 12-43-204 (1), (2), (3), and (3.5), Colorado
21 Revised Statutes, are amended to read:

22 **12-43-204. Fees - renewal.** (1) All fees collected under parts
23 ~~3, 4, 5, and 6~~ of PURSUANT TO this article shall be transmitted to the state
24 treasurer, who shall credit the same to the division of registrations cash
25 fund pursuant to SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED
26 IN THE SAME MANNER AS SET FORTH IN section 24-34-105, C.R.S.

27 (2) Each board may charge application and examination fees

1 established pursuant to section 24-34-105, C.R.S., to all applicants for
2 licensure, REGISTRATION, OR CERTIFICATION under this ~~part 2. No fees~~
3 ~~received from applicants seeking licensure shall be refunded~~ ARTICLE.

4 (3) Every person licensed, REGISTERED, OR certified ~~or registered~~
5 to practice psychology, social work, marriage and family therapy,
6 professional counseling, PSYCHOTHERAPY, or addiction counseling ~~or~~
7 ~~listed in the state grievance board data base,~~ within the state shall renew
8 ~~or reinstate~~ his or her license, REGISTRATION, OR certification ~~or~~
9 ~~registration~~ pursuant to a schedule established by the director, and
10 licenses, REGISTRATIONS, AND certifications ~~and registrations~~ shall be
11 renewed ~~or reinstated~~ pursuant to section 24-34-102 (8), C.R.S. The
12 director may establish renewal fees and delinquency fees ~~for~~
13 ~~reinstatement~~ pursuant to section 24-34-105, C.R.S. If a person fails
14 to renew his or her license, REGISTRATION, OR certification ~~or registration~~
15 pursuant to the schedule established by the director, ~~such~~ THE license,
16 REGISTRATION, OR certification ~~or registration shall expire~~ EXPIRES. Any
17 person whose license, REGISTRATION, OR certification ~~or registration has~~
18 ~~expired shall be~~ EXPIRES IS subject to the penalties provided in this article
19 or section 24-34-102 (8), C.R.S.

20 (3.5) The director shall coordinate fee-setting pursuant to this
21 section so that all licensees, registrants, AND certificate holders ~~and~~
22 ~~unlicensed psychotherapists~~ pay fees as required by this section and
23 section 12-43-702.5 (1).

24 **SECTION 22.** The introductory portion to 12-43-205 (1) and
25 12-43-205 (1) (a), (1) (c), (1) (e), (1) (f), (1) (g), and (1) (h), Colorado
26 Revised Statutes, are amended to read:

27 **12-43-205. Records.** (1) ~~The director and~~ Each board shall keep

1 a record of proceedings and a register of all applications for licenses,
2 REGISTRATIONS, or certifications, which ~~shall~~ MUST include:

3 (a) The name AND age and residence of each applicant;

4 (c) The place of business MAILING ADDRESS of ~~such~~ THE applicant;

5 (e) Whether or not an examination was required and, if required,
6 ~~the scores of the examination~~ PROOF THAT THE APPLICANT PASSED THE
7 EXAMINATION;

8 (f) Whether ~~or not~~ licensure, REGISTRATION, OR CERTIFICATION
9 was granted;

10 (g) The date of the action of the ~~director or~~ board;

11 (h) ~~Such~~ Other information as ~~may be deemed~~ THE BOARD DEEMS
12 necessary or advisable ~~by the director or board~~ in aid of the requirements
13 of this section.

14 **SECTION 23.** 12-43-206, Colorado Revised Statutes, is amended
15 to read:

16 **12-43-206. Licensure by endorsement - rules.** ~~The~~ A board ~~or~~
17 ~~the director, as appropriate,~~ may issue a license by endorsement to engage
18 in the practice of psychology, social work, marriage and family therapy,
19 professional counseling, or addiction counseling to ~~any~~ AN applicant who
20 has a license, registration, or certification in good standing as a
21 psychologist, social worker, marriage and family therapist, LICENSED
22 professional counselor, or addiction counselor under the laws of another
23 jurisdiction if the applicant presents proof satisfactory to the board ~~or~~
24 ~~director~~ that, at the time of application for a Colorado license by
25 endorsement, the applicant possesses credentials and qualifications that
26 are substantially equivalent to the requirements of section 12-43-304,
27 12-43-404, 12-43-504, 12-43-603, or 12-43-804, whichever is applicable.

1 Each board ~~or the director~~ shall promulgate rules setting forth the manner
2 in which THE BOARD WILL REVIEW credentials and qualifications of an
3 applicant. ~~will be reviewed by the board or the director.~~

4 **SECTION 24.** 12-43-207, Colorado Revised Statutes, is amended
5 to read:

6 **12-43-207. License - issuance.** Each board shall issue a
7 ~~certificate of licensure whenever~~ LICENSE, REGISTRATION, OR
8 CERTIFICATION, AS APPROPRIATE, WHEN an applicant ~~for licensure~~
9 successfully qualifies ~~therefor~~ FOR LICENSURE, REGISTRATION, OR
10 CERTIFICATION as provided in this article.

11 **SECTION 25.** 12-43-208, Colorado Revised Statutes, is amended
12 to read:

13 **12-43-208. Drugs - medicine.** Nothing in this article ~~shall be~~
14 ~~construed as permitting~~ PERMITS psychologists, social workers, marriage
15 and family therapists, LICENSED professional counselors,
16 PSYCHOTHERAPISTS, and addiction counselors licensed, REGISTERED, OR
17 certified ~~or registered~~ under this article ~~or unlicensed psychotherapists~~ to
18 administer or prescribe drugs or in any manner engage in the practice of
19 medicine as defined by the laws of this state.

20 **SECTION 26.** 12-43-209, Colorado Revised Statutes, is amended
21 to read:

22 **12-43-209. Collaborate with physician.** IN ORDER TO PROVIDE
23 FOR THE DIAGNOSIS AND TREATMENT OF MEDICAL PROBLEMS, a licensee,
24 registrant, OR certificate holder ~~or unlicensed psychotherapist, in order to~~
25 ~~make provision for the diagnosis and treatment of medical problems,~~ shall
26 collaborate with a physician licensed under the laws of this state, except
27 when practicing pursuant to the ~~provisions of section~~ 12-43-201 (9)

1 12-43-701 (3). A licensee, registrant, OR certificate holder ~~or unlicensed~~
2 ~~psychotherapist~~ shall not diagnose, prescribe for, treat, or advise a client
3 with reference to medical problems.

4 **SECTION 27.** The introductory portion to 12-43-211 (1) and
5 12-43-211 (1) (b), (1) (g), (2), (3), and (6), Colorado Revised Statutes, are
6 amended to read:

7 **12-43-211. Professional service corporations for the practice**
8 **of psychology, social work, marriage and family therapy,**
9 **professional counseling, and addiction counseling - definitions.**

10 (1) Licensees, REGISTRANTS, OR CERTIFICATE HOLDERS may form
11 professional service corporations for the practice of psychology, social
12 work, marriage and family therapy, professional counseling,
13 PSYCHOTHERAPY, or addiction counseling under the "Colorado Business
14 Corporation Act", articles 101 to 117 of title 7, C.R.S., if ~~such~~ THE
15 corporations are organized and operated in accordance with ~~the~~
16 ~~provisions~~ of this section. The articles of incorporation of ~~such~~
17 ~~corporations~~ shall A PROFESSIONAL SERVICE CORPORATION FORMED
18 PURSUANT TO THIS SECTION MUST contain provisions complying with the
19 following requirements:

20 (b) The corporation ~~shall~~ MUST be organized by licensees,
21 REGISTRANTS, OR CERTIFICATE HOLDERS for the purpose of conducting the
22 practice of psychology, social work, marriage and family therapy,
23 professional counseling, PSYCHOTHERAPY, or addiction counseling by the
24 respective licensees, REGISTRANTS, OR CERTIFICATE HOLDERS of those
25 practices. The corporation may be organized with any other person, and
26 any person may own shares in such corporation, if the following
27 conditions are met:

1 (I) The practice of psychology, AS DEFINED IN SECTION 12-43-303,
2 by the professional service corporation is performed by or under the
3 supervision of a licensed psychologist, and any psychologist member of
4 the professional service corporation remains individually responsible for
5 his OR HER professional acts and conduct as provided elsewhere in this
6 article; ~~or~~

7 (II) (Deleted by amendment, L. 98, p. 1111, § 11, effective July
8 1, 1998.)

9 (III) The practice of social work, AS DEFINED IN SECTION
10 12-43-403, by the professional service corporation is performed by a
11 licensed social worker acting independently or under the supervision of
12 a person licensed pursuant to this article or a licensed social worker. Any
13 licensed social worker member of the professional service corporation
14 remains individually responsible for his or her professional acts and
15 conduct as provided elsewhere in this article; ~~or~~

16 (IV) The practice of marriage and family therapy, AS DEFINED IN
17 SECTION 12-43-503, by the professional service corporation is performed
18 by a licensed marriage and family therapist acting independently or under
19 the supervision of a person licensed pursuant to this article or a licensed
20 marriage and family therapist. Any licensed marriage and family
21 therapist member of the professional service corporation remains
22 individually responsible for his OR HER professional acts and conduct as
23 provided elsewhere in this article; ~~or~~

24 (V) The practice of professional counseling, AS DEFINED IN
25 SECTION 12-43-601, by the professional service corporation is performed
26 by a licensed professional counselor acting independently or under the
27 supervision of a person licensed pursuant to this article or a licensed

1 professional counselor. Any licensed professional counselor member of
2 the professional service corporation remains individually responsible for
3 his OR HER professional acts and conduct as provided elsewhere in this
4 article;

5 (VI) The practice of addiction counseling, AS DEFINED IN SECTION
6 12-43-802, by the professional service corporation is performed by a
7 licensed addiction counselor acting independently or under the
8 supervision of a person licensed pursuant to this article or a licensed
9 addiction counselor. Any licensed addiction counselor member of the
10 professional service corporation remains individually responsible for his
11 or her professional acts and conduct as provided in this article; OR

12 (VII) THE PRACTICE OF PSYCHOTHERAPY, AS DEFINED IN SECTION
13 12-43-201, BY THE PROFESSIONAL SERVICE CORPORATION IS PERFORMED
14 BY A REGISTERED PSYCHOTHERAPIST ACTING INDEPENDENTLY OR UNDER
15 THE SUPERVISION OF A PERSON LICENSED PURSUANT TO THIS ARTICLE OR
16 A REGISTERED PSYCHOTHERAPIST. ANY REGISTERED PSYCHOTHERAPIST
17 MEMBER OF THE PROFESSIONAL SERVICE CORPORATION REMAINS
18 INDIVIDUALLY RESPONSIBLE FOR HIS OR HER PROFESSIONAL ACTS AND
19 CONDUCT AS PROVIDED IN THIS ARTICLE.

20 (g) The articles of incorporation ~~shall~~ MUST provide, and all
21 shareholders of the corporation ~~shall~~ MUST agree, that either all
22 shareholders of the corporation ~~shall be~~ ARE jointly and severally liable
23 for all acts, errors, and omissions of the employees of the corporation or
24 that all shareholders of the corporation ~~shall be~~ ARE jointly and severally
25 liable for all acts, errors, and omissions of the employees of the
26 corporation except during periods ~~of time~~ when the corporation ~~shall~~
27 ~~maintain in good standing~~ MAINTAINS professional liability insurance

1 ~~which~~ THAT meets the following minimum standards:

2 (I) The insurance ~~shall insure~~ INSURES the corporation against
3 liability imposed upon the corporation by law for damages resulting from
4 any claim made against the corporation arising out of the performance of
5 professional services for others by those officers and employees of the
6 corporation who are licensed, REGISTERED, OR CERTIFIED to practice
7 under this article or ~~who are certified or licensed school psychologists or~~
8 by those employees who provide professional services under supervision.

9 (II) ~~Such~~ THE insurance ~~policies shall insure~~ INSURES the
10 corporation against liability imposed upon it by law for damages arising
11 out of the acts, errors, and omissions of all nonprofessional employees.

12 (III) The insurance ~~shall be~~ IS in an amount for each claim of at
13 least one hundred thousand dollars multiplied by the number of persons
14 licensed, REGISTERED, OR CERTIFIED to practice under this article ~~or by the~~
15 ~~number of certified or licensed school psychologists,~~ WHO ARE employed
16 by the corporation. ~~and~~ The policy may provide for an aggregate
17 maximum limit of liability per year for all claims of three hundred
18 thousand dollars also multiplied by the number of licensees,
19 REGISTRANTS, or ~~certified or licensed school psychologists~~ CERTIFICATE
20 HOLDERS employed by the corporation, but no ~~firm shall be~~ CORPORATION
21 IS required to carry insurance in excess of three hundred thousand dollars
22 for each claim with an aggregate maximum limit of liability for all claims
23 during the year of nine hundred thousand dollars.

24 (IV) The insurance policy may provide that it does not apply to:
25 Any dishonest, fraudulent, criminal, or malicious act or omission of the
26 insured corporation or any stockholder or employee ~~thereof~~ OF THE
27 CORPORATION; or the conduct of any business enterprise, as distinguished

1 from the practice of licensees, REGISTRANTS, or ~~certified or licensed~~
2 ~~school psychologists~~) CERTIFICATE HOLDERS, in which the insured
3 corporation under this section is not permitted to engage but ~~which~~ THAT
4 nevertheless may be owned by the insured corporation or in which the
5 insured corporation may be a partner or ~~which~~ THAT may be controlled,
6 operated, or managed by the insured corporation in its own or in a
7 fiduciary capacity, including the ownership, maintenance, or use of any
8 property in connection therewith, when not resulting from breach of
9 professional duty of, bodily injury to, or sickness, disease, or death of any
10 person or to injury to or destruction of any tangible property, including
11 the loss of use ~~thereof~~ OF TANGIBLE PROPERTY.

12 (V) The insurance policy may contain reasonable provisions with
13 respect to policy periods, territory, claims, conditions, and other usual
14 matters.

15 (2) The corporation shall ~~do nothing~~ NOT ACT OR FAIL TO ACT IN
16 A MANNER that ~~if done by a licensee, and employed by it,~~ would violate
17 ~~the provisions of~~ section 12-43-222 (1). Any violation of this section by
18 the corporation ~~shall be~~ IS grounds for a board to discipline any licensee,
19 REGISTRANT, OR CERTIFICATE HOLDER WHO IS A MEMBER OF OR IS
20 EMPLOYED BY THE CORPORATION pursuant to section 12-43-224.

21 (3) Nothing in this section ~~shall be deemed to diminish or change~~
22 DIMINISHES OR CHANGES the obligation of each licensee, REGISTRANT, OR
23 CERTIFICATE HOLDER employed by the corporation to conduct his or her
24 practice ~~so as not to~~ IN A MANNER THAT DOES NOT violate ~~the provisions~~
25 ~~of~~ section 12-43-222 (1). Any licensee, REGISTRANT, OR CERTIFICATE
26 HOLDER who, by act or omission, causes the corporation to act or fail to
27 act in a way that violates ~~the provisions of~~ section 12-43-222 (1) or any

1 ~~provision of this section shall be deemed~~ IS personally responsible for
2 ~~such~~ THE act or omission and ~~shall be~~ IS subject to discipline ~~therefor~~ by
3 the board.

4 (6) Nothing in this article ~~shall be construed to limit~~ LIMITS
5 persons licensed, REGISTERED, OR CERTIFIED under ~~any part of this article~~
6 ~~or certified or licensed school psychologists~~ from forming a corporation
7 with persons licensed, REGISTERED, OR CERTIFIED under ~~any other part of~~
8 this article. ~~or certified or licensed school psychologists.~~

9 **SECTION 28.** 12-43-212, Colorado Revised Statutes, is amended
10 to read:

11 **12-43-212. Denial of license, registration, or certification -**
12 **reinstatement.** (1) Each board is empowered to determine whether an
13 applicant for licensure, REGISTRATION, OR CERTIFICATION, OR FOR
14 REGISTRY AS A CANDIDATE FOR LICENSURE, REGISTRATION, OR
15 CERTIFICATION, possesses the qualifications ~~for licensure~~ required by this
16 article.

17 (2) If a board ~~or the director pursuant to the authority specified in~~
18 ~~part 8 of this article~~, determines that an applicant does not possess the
19 applicable qualifications required by this article or, for a licensed clinical
20 social worker, licensed social worker, licensed marriage and family
21 therapist, licensed professional counselor, licensed addiction counselor,
22 or level II or III certified addiction counselor, is unable to demonstrate his
23 or her continued professional competence as required by section
24 12-43-411, 12-43-506, 12-43-605, or 12-43-805, respectively, the board
25 ~~or the director pursuant to the authority specified in part 8 of this article~~,
26 may deny the applicant a license, REGISTRATION, OR CERTIFICATION or
27 deny the reinstatement of a license, ~~and, in such instance~~ REGISTRATION,

1 OR CERTIFICATION. IF THE APPLICATION IS DENIED, the board ~~or director~~
2 shall provide the applicant with a statement in writing setting forth the
3 basis of the board's ~~or director's~~ determination that the applicant does not
4 possess the qualifications or professional competence required by this
5 article. The applicant may request a hearing on the determination as
6 provided in section 24-4-104 (9), C.R.S.

7 (3) If a board has any reason to believe that or receives any
8 information that an applicant, renewal applicant, or reinstatement
9 applicant has ~~done~~ COMMITTED any of the acts set forth in section
10 12-43-222 (1) as grounds for discipline, the board may deny a license,
11 REGISTRATION, OR CERTIFICATION to the applicant, renewal applicant, or
12 reinstatement applicant if the board determines that there is a basis for
13 ~~such~~ THE denial. The order of the board to grant or deny ~~such~~ A license,
14 ~~shall be the~~ REGISTRATION, OR CERTIFICATION CONSTITUTES final agency
15 action.

16 (4) A board, on its own motion or upon application, at any time
17 after the refusal to grant a license, REGISTRATION, OR CERTIFICATION, may
18 reconsider its prior action and grant ~~such~~ A license, REGISTRATION, OR
19 CERTIFICATION. ~~The taking of any such further action shall rest in the~~
20 BOARD HAS sole discretion ~~of the board; except that the board shall not act~~
21 ~~in contradiction to a decision of the grievance board~~ TO DETERMINE
22 WHETHER TO TAKE FURTHER ACTION ON THE APPLICATION AFTER IT
23 REFUSES TO GRANT A LICENSE, REGISTRATION, OR CERTIFICATION.

24 **SECTION 29.** 12-43-213, Colorado Revised Statutes, is amended
25 to read:

26 **12-43-213. Legislative intent - schools and colleges -**
27 **examinations.** It is the intent of the general assembly that the definition

1 relating to full-time courses of study and institutions of higher education
2 for graduation of persons who are ~~thereby~~ qualified to take examinations
3 for licensure under this article be liberally construed by ~~the director and~~
4 each board under the ~~director's or board's~~ rule-making powers to ensure
5 the right to take ~~such~~ THE examinations. It is not the intent that technical
6 barriers be used to deny the ability to take ~~such~~ AN examination.

7 **SECTION 30.** The introductory portion to 12-43-214 (1) and
8 12-43-214 (1) (a), (1) (b), (1) (c), (1) (d) (III), (1) (d) (IV), (4) (d), and (4)
9 (g), Colorado Revised Statutes, are amended, and the said 12-43-214 (1)
10 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
11 read:

12 **12-43-214. Mandatory disclosure of information to clients.**
13 (1) Except as otherwise provided in subsection (4) of this section, every
14 ~~unlicensed psychotherapist, licensee, REGISTRANT, OR certificate holder~~
15 ~~or registrant~~ shall provide the following information VERBALLY AND in
16 writing to each client during the initial client contact:

17 (a) The name, business address, and business phone number of the
18 ~~unlicensed psychotherapist, licensee, REGISTRANT, OR certificate holder;~~
19 ~~or registrant;~~

20 (b) (I) AN EXPLANATION OF THE LEVELS OF REGULATION
21 APPLICABLE TO MENTAL HEALTH PROFESSIONALS UNDER THIS ARTICLE
22 AND THE DIFFERENCES BETWEEN LICENSURE, REGISTRATION, AND
23 CERTIFICATION, INCLUDING THE EDUCATIONAL, EXPERIENCE, AND
24 TRAINING REQUIREMENTS APPLICABLE TO THE PARTICULAR LEVEL OF
25 REGULATION; AND

26 (II) A listing of any degrees, credentials, certifications,
27 REGISTRATIONS, and licenses HELD OR OBTAINED BY THE LICENSEE,

1 REGISTRANT, OR CERTIFICATE HOLDER, INCLUDING THE EDUCATION,
2 EXPERIENCE, AND TRAINING THE LICENSEE, REGISTRANT, OR CERTIFICATE
3 HOLDER WAS REQUIRED TO SATISFY IN ORDER TO OBTAIN THE DEGREE,
4 CREDENTIALS, CERTIFICATIONS, REGISTRATIONS, OR LICENSES;

5 (c) A statement indicating that the practice of ~~both licensed and~~
6 ~~unlicensed~~ OR REGISTERED persons ~~and certified or licensed school~~
7 ~~psychologists~~ in the field of psychotherapy is regulated by the department
8 of regulatory agencies, and an address and telephone number for the
9 ~~grievance board~~ and THAT REGULATES THE LICENSEE, REGISTRANT, OR
10 CERTIFICATE HOLDER;

11 (d) A statement indicating that:

12 (III) In a professional relationship, sexual intimacy is never
13 appropriate and should be reported to ~~the director or~~ the board that
14 ~~regulates~~ LICENSES, registers, OR certifies ~~or licenses such unlicensed~~
15 ~~psychotherapist~~ THE LICENSEE, registrant, OR certificate holder; ~~or~~
16 ~~licensee;~~

17 (IV) The information provided by the client during therapy
18 sessions is legally confidential in the case of licensed marriage and family
19 therapists, social workers, professional counselors, AND psychologists;
20 licensed or certified addiction counselors; and ~~unlicensed~~ REGISTERED
21 psychotherapists, except as provided in section 12-43-218 and except for
22 certain legal exceptions that will be identified by the licensee, registrant,
23 OR certificate holder ~~or unlicensed psychotherapist~~ should any such
24 situation arise during therapy; AND

25 (e) IF THE MENTAL HEALTH PROFESSIONAL IS A REGISTERED
26 PSYCHOTHERAPIST, A STATEMENT INDICATING THAT A REGISTERED
27 PSYCHOTHERAPIST IS A PSYCHOTHERAPIST LISTED IN THE STATE'S DATA

1 BASE AND IS AUTHORIZED BY LAW TO PRACTICE PSYCHOTHERAPY IN
2 COLORADO BUT IS NOT LICENSED BY THE STATE AND IS NOT REQUIRED TO
3 SATISFY ANY STANDARDIZED EDUCATIONAL OR TESTING REQUIREMENTS
4 TO OBTAIN A REGISTRATION FROM THE STATE.

5 (4) The disclosure of information required by subsection (1) of
6 this section is not required when psychotherapy is being administered in
7 any of the following circumstances:

8 (d) The client is in the physical custody of either the department
9 of corrections or the department of human services and such department
10 has developed an alternative program to provide similar information to
11 such client and such program has been established through rule or
12 regulation; pursuant to the "State Administrative Procedure Act", article
13 4 of title 24, C.R.S.;

14 (g) By a person licensed or certified pursuant to this article, or by
15 ~~an unlicensed~~ A REGISTERED psychotherapist practicing in a hospital that
16 is licensed or certified under section 25-1.5-103 (1) (a) (I) or (1) (a) (II),
17 C.R.S.

18 **SECTION 31.** 12-43-215 (5), (7), and (10), Colorado Revised
19 Statutes, are amended to read:

20 **12-43-215. Scope of article - exemptions.** (5) Nothing in this
21 section ~~shall be construed to limit~~ LIMITS the applicability of ~~the~~
22 ~~provisions of~~ section 18-3-405.5, C.R.S., which ~~shall apply~~ APPLIES to
23 any person while he OR SHE is practicing psychotherapy as defined in this
24 article.

25 (7) The provisions of this article shall not apply to mental health
26 professionals acting within the scope of a court appointment to undertake
27 custodial evaluations in domestic relations cases in the courts of this state

1 or to mental health professionals acting within the scope of a court
2 appointment to undertake domestic and child abuse evaluations for
3 purposes of legal proceedings in the courts of this state.

4 (10) The provisions of this article shall DO not apply to a
5 professional coach, INCLUDING A LIFE COACH, EXECUTIVE COACH,
6 PERSONAL COACH, OR BUSINESS COACH, who has had coach-specific
7 training and who serves clients exclusively as a coach, AS LONG AS THE
8 PROFESSIONAL COACH DOES NOT ENGAGE IN THE PRACTICE OF
9 PSYCHOLOGY, SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, LICENSED
10 PROFESSIONAL COUNSELING, PSYCHOTHERAPY, OR ADDICTION
11 COUNSELING, AS THOSE PRACTICES ARE DEFINED IN THIS ARTICLE.

12 **SECTION 32.** 12-43-218 (1), the introductory portion to
13 12-43-218 (2), 12-43-218 (2) (a) and (2) (b), the introductory portion to
14 12-43-218 (2) (c), and 12-43-218 (2) (c) (I), (2) (c) (II), and (3), Colorado
15 Revised Statutes, are amended, and the said 12-43-218 is further amended
16 BY THE ADDITION OF A NEW SUBSECTION, to read:

17 **12-43-218. Disclosure of confidential communications.** (1) A
18 licensee, ~~school psychologist,~~ registrant, OR certificate holder ~~or~~
19 ~~unlicensed psychotherapist~~ shall not disclose, without the consent of the
20 client, any confidential communications made by the client, or advice
21 given ~~thereon~~ TO THE CLIENT, in the course of professional employment.
22 ~~nor shall~~ A licensee's, ~~school psychologist's,~~ registrant's, OR certificate
23 holder's ~~or unlicensed psychotherapist's~~ employee or associate, whether
24 clerical or professional, SHALL NOT disclose any knowledge of said
25 communications acquired in such capacity. ~~nor shall~~ Any person who has
26 participated in any therapy conducted under the supervision of a licensee,
27 ~~school psychologist,~~ registrant, OR certificate holder, ~~or unlicensed~~

1 ~~psychotherapist, including but not limited to,~~ group therapy sessions,
2 SHALL NOT disclose any knowledge gained during the course of such
3 therapy without the consent of the person to whom the knowledge relates.

4 (2) Subsection (1) of this section ~~shall~~ DOES not apply when:

5 (a) A client or the heirs, executors, or administrators of a client
6 file suit or a complaint against a licensee, ~~school psychologist,~~ registrant,
7 OR certificate holder ~~or unlicensed psychotherapist~~ on any cause of action
8 arising out of or connected with the care or treatment of ~~such~~ THE client
9 by the licensee, ~~school psychologist,~~ registrant, OR certificate holder; ~~or~~
10 ~~unlicensed psychotherapist;~~

11 (b) A licensee, ~~school psychologist,~~ registrant, OR certificate
12 holder ~~or unlicensed psychotherapist~~ was in consultation with a physician,
13 registered professional nurse, licensee, ~~school psychologist,~~ registrant, OR
14 certificate holder ~~or unlicensed psychotherapist~~ against whom a suit or
15 complaint was filed based on the case out of which said suit or complaint
16 arises;

17 (c) A review of services of a licensee, ~~school psychologist,~~
18 registrant, OR certificate holder ~~or unlicensed psychotherapist~~ is
19 conducted by any of the following:

20 (I) A board ~~or the director~~ or a person or group authorized by the
21 board ~~or director~~ to make an investigation on its behalf;

22 (II) The governing board of a hospital licensed pursuant to part 1
23 of article 3 of title 25, C.R.S., where ~~said~~ THE licensee, ~~school~~
24 ~~psychologist,~~ registrant, OR certificate holder ~~or unlicensed~~
25 ~~psychotherapist~~ practices or the medical staff of such hospital if the
26 medical staff operates pursuant to written bylaws approved by the
27 governing board of ~~such~~ THE hospital; or

1 (3) The records and information produced and used in the review
2 provided for in paragraph (c) of subsection (2) of this section ~~shall~~ DO not
3 become public records solely by virtue of the use of ~~such~~ THE records and
4 information. The identity of ~~any~~ A client whose records are ~~so~~ reviewed
5 shall not be disclosed to any person not directly involved in ~~such~~ THE
6 review process, and procedures shall be adopted by ~~the director~~ or a
7 board, hospital, association, or society to ensure that the identity of the
8 client is concealed during the review process itself and to comply with ~~the~~
9 ~~provisions~~ of section 12-43-224 (4).

10 (6) THIS SECTION DOES NOT APPLY TO COVERED ENTITIES, THEIR
11 BUSINESS ASSOCIATES, OR HEALTH OVERSIGHT AGENCIES, AS EACH IS
12 DEFINED IN THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
13 ACCOUNTABILITY ACT OF 1996", AS AMENDED BY THE FEDERAL "HEALTH
14 INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH
15 ACT", AND THE RESPECTIVE IMPLEMENTING REGULATIONS.

16 **SECTION 33.** The introductory portion to 12-43-221 (1) and
17 12-43-221 (1) (b), (1) (f), and (2), Colorado Revised Statutes, are
18 amended to read:

19 **12-43-221. Powers and duties of the boards - rules.** (1) In
20 addition to all other powers and duties conferred and imposed upon the
21 boards, as defined in section 12-43-201 (1), ~~and the director by this~~
22 ~~article~~; each board ~~and the director, as appropriate, have~~ HAS the
23 following powers and duties with respect to the licensing, registration,
24 AND certification ~~and regulation~~ of the persons licensed, registered, OR
25 certified ~~or listed~~ by each individual board pursuant to ~~part 3, 4, 5, 6, or~~
26 ~~7~~ of this article: ~~or by the director pursuant to part 8 of this article:~~

27 (b) (I) To make investigations, hold hearings, and take evidence

1 in accordance with ~~the provisions of~~ article 4 of title 24, C.R.S., and this
2 article in all matters relating to the exercise and performance of the
3 powers and duties vested in each board. ~~or the director.~~

4 (II) ~~The director and~~ Each board, or an administrative law judge
5 acting on the ~~director's or board's~~ behalf, ~~shall have the power to~~ MAY
6 administer oaths, take affirmations of witnesses, and issue subpoenas to
7 compel the attendance of witnesses and the production of all relevant
8 papers, books, records, documentary evidence, and materials in any
9 hearing, investigation, accusation, or other matter ~~coming~~ before the
10 ~~director or board.~~ ~~The director and~~ Each board may appoint an
11 administrative law judge pursuant to part 10 of article 30 of title 24,
12 C.R.S., to take evidence and to make findings and report them to the
13 ~~director or board~~ pursuant to paragraph (e) of this subsection (1).

14 (III) Upon failure of ~~any~~ A witness to comply with ~~such~~ A
15 subpoena or process, the district court of the county in which the
16 subpoenaed person or licensee resides or conducts business, upon
17 application by the board ~~or director~~ with notice to the subpoenaed person
18 or licensee, may issue to the person or licensee an order requiring that
19 person or licensee to appear before the ~~director~~ BOARD; to produce the
20 relevant papers, books, records, documentary evidence, or materials if so
21 ordered; or to give evidence touching the matter under investigation or in
22 question. THE COURT MAY PUNISH THE failure to obey the order of the
23 court ~~may be punished by the court~~ as a contempt of court.

24 (f) To notify the public of all disciplinary actions taken against
25 licensees, registrants, OR certificate holders ~~or unlicensed~~
26 ~~psychotherapists~~ pursuant to this article.

27 (2) Pursuant to this part 2 and article 4 of title 24, C.R.S., ~~the~~

1 ~~director and~~ each board is authorized to adopt and revise ~~such~~ rules as
2 ~~may be~~ necessary to enable the ~~director or~~ board to carry out the
3 provisions of this part 2 with respect to the regulation of the persons
4 licensed, registered, OR certified ~~or regulated~~ by each individual board
5 pursuant to ~~part 3, 4, 5, 6, or 7~~ of this article. ~~or by the director pursuant~~
6 ~~to part 8 of this article.~~

7 **SECTION 34.** 12-43-224 (1), (2) (c), (2) (d), (2) (e), (3), (4), (8),
8 and (9), Colorado Revised Statutes, are amended to read:

9 **12-43-224. Disciplinary proceedings - judicial review - mental**
10 **and physical examinations - multiple licenses.** (1) (a) A proceeding
11 for discipline of a licensee, registrant, or ~~unlicensed psychotherapist~~
12 CERTIFICATE HOLDER may be commenced when the board that licenses,
13 registers, or ~~regulates such~~ CERTIFIES THE licensee, registrant, or
14 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER has reasonable grounds
15 to believe that a THE licensee, registrant, or ~~unlicensed psychotherapist~~
16 CERTIFICATE HOLDER under ~~such~~ THE board's jurisdiction has committed
17 any act or failed to act pursuant to the grounds established in section
18 12-43-222 or 12-43-226.

19 (b) A licensee, registrant, or ~~unlicensed psychotherapist~~
20 CERTIFICATE HOLDER who holds more than one license, registration, or
21 ~~listing~~ CERTIFICATION pursuant to this article, who has committed any act
22 or failed to act pursuant to the grounds established in section 12-43-222
23 or 12-43-226, ~~shall be~~ IS subject to disciplinary action by all boards that
24 license, register, or ~~regulate such~~ CERTIFY THE person pursuant to this
25 article. The findings, conclusions, and final agency order of the first
26 board to take disciplinary action pursuant to this section against the
27 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER,

1 or any disciplinary action taken by the state grievance board as it existed
2 prior to July 1, 1998, ~~shall be~~ IS prima facie evidence against ~~such~~ THE
3 person in any subsequent disciplinary action taken by another board
4 concerning the same act or series of acts.

5 (c) If a licensee, registrant, or ~~unlicensed psychotherapist~~
6 CERTIFICATE HOLDER who ~~makes application~~ APPLIES for a license,
7 registration, or ~~listing~~ CERTIFICATION pursuant to this article has been
8 disciplined by any board created pursuant to this article, or the state
9 grievance board as it existed prior to July 1, 1998, the findings,
10 conclusions, and final agency order of the first board to take disciplinary
11 action pursuant to this section against the licensee, registrant, or
12 ~~unlicensed psychotherapist shall be~~ CERTIFICATE HOLDER IS prima facie
13 evidence against ~~such~~ THE person in any subsequent application made for
14 a license, registration, or ~~listing~~ CERTIFICATION to any other board created
15 pursuant to this article.

16 (2) (c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
17 PARAGRAPH (c), A BOARD SHALL NOT DENY, REVOKE, OR SUSPEND a
18 licensee's, ~~or~~ registrant's, OR CERTIFICATE HOLDER'S right to use a title
19 ~~shall not be denied, revoked, or suspended by any board, and a licensee,~~
20 ~~registrant, or unlicensed psychotherapist~~ AND shall not ~~be placed~~ PLACE
21 A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER on probation ~~by any~~
22 ~~board~~ pursuant to the grounds established in sections 12-43-222 and
23 12-43-226 until ~~after~~ a hearing has been conducted if ~~so~~ required pursuant
24 to section 24-4-105, C.R.S. ~~except as provided for~~

25 (II) THE BOARD THAT LICENSES, REGISTERS, OR CERTIFIES A
26 LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER PURSUANT TO THIS
27 ARTICLE MAY SUMMARILY SUSPEND THE PERSON'S LICENSE,

1 REGISTRATION, OR CERTIFICATION, SUBJECT TO THE LIMITATION OF
2 SECTION 24-4-104, C.R.S., UNDER THE FOLLOWING CIRCUMSTANCES:

3 (A) In emergency situations, AS PROVIDED FOR by section
4 24-4-104, C.R.S.; ~~or except~~

5 (B) ~~In the event that a~~ THE licensee, registrant, or ~~unlicensed~~
6 ~~psychotherapist~~ CERTIFICATE HOLDER has been adjudicated BY A COURT
7 OF COMPETENT JURISDICTION as being A PERSON WHO IS gravely disabled,
8 mentally retarded, mentally incompetent, or insane or as having A PERSON
9 WITH a mental illness by a court of competent jurisdiction; or ~~except~~

10 (C) ~~In the event that a~~ THE licensee, registrant, or ~~unlicensed~~
11 ~~psychotherapist~~ CERTIFICATE HOLDER violates paragraph (e) of this
12 subsection (2). ~~in which case, the board that licenses, registers, or~~
13 ~~regulates such licensee, registrant, or unlicensed psychotherapist pursuant~~
14 ~~to this article is empowered to summarily suspend such person's license,~~
15 ~~registration, or listing subject to the limitation of section 24-4-104, C.R.S.~~

16 (d) If a board has reasonable cause to believe that a licensee,
17 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER whom ~~such~~
18 THE board licenses, registers, or ~~regulates~~ CERTIFIES pursuant to this
19 article is unable to practice with reasonable skill and safety to patients, it
20 THE BOARD may require ~~such~~ THE licensee, registrant, or ~~unlicensed~~
21 ~~psychotherapist~~ CERTIFICATE HOLDER to submit to mental or physical
22 examinations designated by the board. Upon the failure of ~~such~~ THE
23 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER
24 to submit to ~~such~~ A mental or physical ~~examinations~~ EXAMINATION, AND
25 unless ~~such~~ THE person shows good cause for such failure, the board may
26 act pursuant to paragraph (c) of this subsection (2) or enjoin a LICENSEE,
27 registrant, ~~unlicensed psychotherapist~~, or ~~licensee~~ CERTIFICATE HOLDER

1 pursuant to section 12-43-227 until ~~such time as such~~ THE person submits
2 to the required examinations.

3 (e) Every licensee, registrant, or ~~unlicensed psychotherapist shall~~
4 ~~be~~ CERTIFICATE HOLDER IS deemed to have ~~given consent~~ CONSENTED to
5 submit to mental or physical examinations when directed in writing by the
6 board that licenses, registers, or ~~regulates such~~ CERTIFIES THE licensee,
7 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER pursuant
8 to this article and to have waived all objections to the admissibility of the
9 examiner's testimony or examination reports on the ground of privileged
10 communication.

11 (3) Disciplinary actions may consist of the following:

12 (a) **Revocation of a license, registration, or certification.**

13 (I) Revocation of a license, ~~or a registration,~~ OR CERTIFICATION by a
14 board ~~shall mean~~ MEANS that the licensee, ~~or registrant,~~ OR CERTIFICATE
15 HOLDER shall surrender ~~such person's HIS OR HER license, or certificate of~~
16 registration, to the board within thirty days OR CERTIFICATION.

17 (II) Any person whose license, ~~or registration,~~ OR CERTIFICATION
18 to practice is revoked ~~or whose listing has been stricken from the data~~
19 ~~base by the grievance board is rendered~~ ineligible to apply for any license,
20 registration, or ~~listing~~ CERTIFICATION issued under this article ~~until more~~
21 ~~than~~ FOR AT LEAST three years ~~have elapsed from~~ AFTER the date of
22 surrender of the license, ~~or certificate of registration, or of the listing~~
23 ~~being stricken from the data base~~ OR CERTIFICATION. Any reapplication
24 after such three-year period ~~shall be~~ IS treated as a new application.

25 (b) **Suspension of a license, registration, or certification.**

26 Suspension of a license, registration, or ~~listing~~ CERTIFICATION by the
27 board that licenses, registers, or ~~regulates~~ CERTIFIES such licensee,

1 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER pursuant
2 to this article ~~shall be~~ IS for a period to be determined by ~~such~~ THE
3 APPLICABLE board.

4 (c) **Probationary status.** A BOARD MAY IMPOSE probationary
5 status ~~may be imposed by a board~~ ON A LICENSEE, REGISTRANT, OR
6 CERTIFICATE HOLDER. If a board places a licensee, registrant, or
7 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER on probation, it may
8 include ~~such~~ conditions for continued practice ~~as~~ THAT the board deems
9 appropriate to assure that the licensee, registrant, or ~~unlicensed~~
10 ~~psychotherapist~~ CERTIFICATE HOLDER is physically, mentally, and
11 otherwise qualified to practice in accordance with generally accepted
12 professional standards of practice, including any ~~or all~~ of the following:

13 (I) Submission by the licensee, registrant, or ~~unlicensed~~
14 ~~psychotherapist~~ CERTIFICATE HOLDER to ~~such~~ examinations ~~as~~ a board
15 may order to determine ~~such~~ THE person's physical or mental condition or
16 professional qualifications;

17 (II) ~~The taking by such person of such~~ PARTICIPATION IN therapy
18 or courses of training or education ~~as may be needed~~ THE BOARD
19 DETERMINES NECESSARY to correct deficiencies found either in the
20 hearing or by such examinations;

21 (III) ~~Such~~ Review or supervision of ~~such~~ THE person's practice as
22 may be necessary to determine the quality of, AND CORRECT ANY
23 DEFICIENCIES IN, that practice; ~~and to correct deficiencies therein;~~ and

24 (IV) The imposition of restrictions upon the nature of ~~such~~ THE
25 person's practice to assure that he or she does not practice beyond the
26 limits of his or her capabilities.

27 (d) **Issuance of letters of admonition.** (I) When a complaint or

1 investigation discloses an instance of misconduct that, in the opinion of
2 the board, does not warrant formal action by the board but that should not
3 be dismissed as being without merit, a letter of admonition may be issued
4 and sent, by certified mail, to the licensee, REGISTRANT, OR certificate
5 holder. ~~registrant, or unlicensed psychotherapist.~~

6 (II) When a letter of admonition is sent by the board, by certified
7 mail, to a licensee, REGISTRANT, OR certificate holder, ~~registrant, or~~
8 ~~unlicensed psychotherapist, such~~ THE LETTER ALSO MUST ADVISE THE
9 person ~~shall be advised~~ that he or she has the right to request, in writing
10 within twenty days after receipt of the letter, that formal disciplinary
11 proceedings be initiated to adjudicate the propriety of the conduct upon
12 which the letter of admonition is based.

13 (III) If the request for adjudication is timely made, the letter of
14 admonition ~~shall be deemed~~ IS vacated and the matter shall be processed
15 by means of formal disciplinary proceedings.

16 (e) **Issuance of confidential letters of concern.** ~~Such letters shall~~
17 ~~be sent by registered mail to the licensee, registrant, or unlicensed~~
18 ~~psychotherapist against whom a complaint was made~~ WHEN A
19 COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT
20 THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT
21 INDICATES TO THE BOARD CONDUCT BY THE LICENSEE, REGISTRANT, OR
22 CERTIFICATE HOLDER THAT COULD LEAD TO SERIOUS CONSEQUENCES IF
23 NOT CORRECTED, THE BOARD MAY ISSUE AND SEND TO THE LICENSEE,
24 REGISTRANT, OR CERTIFICATE HOLDER A CONFIDENTIAL LETTER OF
25 CONCERN. The letter ~~shall~~ MUST advise the licensee, registrant, or
26 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER that the board is
27 concerned about a complaint ~~that the board has~~ IT received about the

1 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER
2 and MUST SPECIFY what action, if any, the licensee, registrant, or
3 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER should take to assuage
4 the board's concern. CONFIDENTIAL letters of ~~confidential~~ concern ~~shall~~
5 ~~be~~ ARE confidential, and THE BOARD shall not ~~be disclosed~~ DISCLOSE THE
6 EXISTENCE OF SUCH A LETTER OR ITS CONTENTS to members of the public
7 or in any court action unless the board is a party TO THE ACTION.

8 (4) (a) ~~Except when a decision to proceed with a disciplinary~~
9 ~~action has been agreed upon by a majority of the board that licenses,~~
10 ~~registers, or regulates such licensee, registrant, or unlicensed~~
11 ~~psychotherapist, and a notice of formal complaint is drafted and served~~
12 ~~on the licensee, registrant, or unlicensed psychotherapist by first-class~~
13 ~~mail or upon final agency action unless the complaint is dismissed AS~~
14 PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), IF A COMPLAINT IS
15 DISMISSED, RECORDS OF investigations, examinations, hearings, meetings,
16 ~~or any~~ AND other proceedings of the board conducted pursuant to ~~the~~
17 ~~provisions of this section shall be~~ ARE exempt from ~~the provisions of the~~
18 open records law, article 72 of title 24, C.R.S. ~~requiring that proceedings~~
19 ~~of the board be conducted publicly or that the minutes or records of the~~
20 ~~board with respect to action of the board taken pursuant to the provisions~~
21 ~~of this section be open to public inspection.~~

22 (b) THE EXEMPTION FROM THE OPEN RECORDS LAW SPECIFIED IN
23 PARAGRAPH (a) OF THIS SUBSECTION (4) DOES NOT APPLY:

24 (I) WHEN A DECISION TO PROCEED WITH A DISCIPLINARY ACTION
25 HAS BEEN AGREED UPON BY A MAJORITY OF THE MEMBERS OF THE
26 APPLICABLE BOARD MEMBERS AND A NOTICE OF FORMAL COMPLAINT IS
27 DRAFTED AND SERVED ON THE LICENSEE, REGISTRANT, OR CERTIFICATE

1 HOLDER BY FIRST-CLASS MAIL; OR

2 (II) UPON FINAL AGENCY ACTION.

3 (c) IN any final agency action or ~~the filing of a formal complaint,~~
4 ~~when the board, determines it is~~ WHEN IT DEEMS necessary, shall redact
5 all names of clients or other recipients of services to protect such persons'
6 confidentiality.

7 (8) Any licensee, registrant, or ~~unlicensed psychotherapist~~
8 CERTIFICATE HOLDER against whom a malpractice claim is settled or a
9 judgment rendered in a court of competent jurisdiction shall notify the
10 board that licenses, registers, or ~~regulates such~~ CERTIFIES THE licensee,
11 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER pursuant
12 to this article of ~~such~~ THE judgment or settlement within sixty days after
13 ~~such~~ THE disposition.

14 (9) Any licensee, registrant, or ~~unlicensed psychotherapist having~~
15 CERTIFICATE HOLDER WHO HAS direct knowledge that ~~an unlicensed~~
16 ~~psychotherapist~~ A LICENSEE, registrant, or ~~licensee~~ CERTIFICATE HOLDER
17 has violated ~~any of the provisions of~~ section 12-43-222 or 12-43-226 has
18 a duty to report ~~such knowledge~~ THE VIOLATION to the board that licenses,
19 registers, or ~~regulates such unlicensed psychotherapist~~ CERTIFIES THE
20 LICENSEE, registrant, or ~~licensee~~ CERTIFICATE HOLDER pursuant to this
21 article unless ~~such report~~ REPORTING THE VIOLATION would violate the
22 prohibition against disclosure of confidential information without client
23 consent pursuant to section 12-43-218.

24 **SECTION 35.** 12-43-225, Colorado Revised Statutes, is amended
25 to read:

26 **12-43-225. Reconsideration and review of action of a licensing**
27 **board or the grievance board.** A board, on its own motion or upon

1 application, at any time after the imposition of any discipline as provided
2 in section 12-43-224, may reconsider its prior action and reinstate or
3 restore such license, registration, or ~~listing or~~ CERTIFICATION; terminate
4 probation; or reduce the severity of its prior disciplinary action. The
5 ~~taking of any such~~ BOARD HAS SOLE DISCRETION TO DETERMINE WHETHER
6 TO TAKE further action or ~~the holding of~~ HOLD a hearing with respect
7 ~~thereto shall rest in the sole discretion of the board~~ TO ITS PRIOR
8 DISCIPLINARY ACTION.

9 **SECTION 36.** 12-43-226 (2), Colorado Revised Statutes, is
10 amended to read:

11 **12-43-226. Unauthorized practice - penalties.** (2) Any person
12 who practices or offers or attempts to practice as a PSYCHOLOGIST, social
13 worker, marriage and family therapist, LICENSED professional counselor,
14 PSYCHOTHERAPIST, OR addiction counselor ~~or psychologist~~ without an
15 active license, REGISTRATION, OR certification ~~or registration~~ issued under
16 this article commits a class 2 misdemeanor and shall be punished as
17 provided in section 18-1.3-501, C.R.S., for the first offense. Any person
18 who commits a second or any subsequent offense commits a class 6
19 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

20 **SECTION 37.** 12-43-227, Colorado Revised Statutes, is amended
21 to read:

22 **12-43-227. Injunctive proceedings.** (1) A board may, in the
23 name of the people of the state of Colorado, through the attorney general
24 of the state of Colorado, apply for an injunction in any court of competent
25 jurisdiction:

26 (a) To enjoin any person licensed, ~~regulated or~~ registered, OR
27 CERTIFIED by that board pursuant to ~~part 3, 4, 5, 6, or 7~~ of this article from

1 committing any act prohibited by ~~the provisions of~~ this article;

2 (b) To enjoin a licensee, ~~licensed~~ REGISTRANT, OR CERTIFICATE
3 HOLDER REGULATED by that board from practicing the profession for
4 which ~~such~~ THE person is licensed, REGISTERED, OR CERTIFIED under this
5 article ~~or to enjoin a registered psychologist candidate from practicing the~~
6 ~~profession for which such person is registered under section 12-43-304,~~
7 if ~~such~~ THE person has violated section 12-43-224 (2) (d) or 12-43-222.

8 (c) ~~To enjoin an unlicensed psychotherapist from practicing~~
9 ~~psychotherapy if such person has violated the provisions of section~~
10 ~~12-43-222.~~

11 (2) If ~~it is established~~ THE BOARD DEMONSTRATES that the
12 defendant has been or is committing any act prohibited by this article, the
13 court shall enter a decree perpetually enjoining ~~said~~ THE defendant from
14 further committing ~~said~~ THE act or from practicing any profession
15 licensed, registered, or ~~regulated~~ CERTIFIED pursuant to this article.

16 (3) ~~Such~~ Injunctive proceedings ~~shall be~~ ARE in addition to, and
17 not in lieu of, ~~all~~ penalties and other remedies provided in this article.

18 (4) When seeking an injunction under this section, a board ~~shall~~
19 IS not ~~be~~ required to allege or prove either that an adequate remedy at law
20 does not exist or that substantial or irreparable damage would result from
21 a continued violation.

22 **SECTION 38.** The introductory portion to 12-43-228 (1),
23 12-43-228 (1) (a), the introductory portion to 12-43-228 (1) (c), and
24 12-43-228 (2) and (3), Colorado Revised Statutes, are amended to read:

25 **12-43-228. Minimum standards for testing.** (1) Every person
26 licensed, registered, or ~~regulated~~ CERTIFIED under this article ~~shall~~ MUST
27 meet the minimum professional preparation standards set forth in this

1 section to engage in the administration, scoring, or interpretation of the
2 following levels of psychometric or electrodiagnostic testing:

3 (a) **General use.** There is no educational or experience minimum
4 necessary for a licensee, registrant, or ~~unlicensed psychotherapist~~
5 CERTIFICATE HOLDER to administer standardized personnel selection,
6 achievement, general aptitude, or proficiency tests.

7 (c) **Advanced use.** A licensee, registrant, or ~~unlicensed~~
8 ~~psychotherapist shall~~ CERTIFICATE HOLDER MUST meet all the
9 requirements of paragraph (b) of this subsection (1) and, in addition,
10 completion, at a regionally accredited university or college certified by
11 the accrediting agency or body to award graduate degrees, of at least one
12 graduate-level course in six of the following areas: Cognition, emotion,
13 attention, sensory-perceptual function, psychopathology, learning,
14 encephalopathy, neuropsychology, psychophysiology, personality, growth
15 and development, projective testing, and neuropsychological testing and
16 completion of one year of experience in advanced use practice under the
17 supervision of a person fully qualified under this paragraph (c) in order
18 to practice projective testing, neuropsychological testing, or ~~utilization~~
19 USE of a battery of three or more tests to:

20 (2) The board licensing, registering, or ~~regulating~~ CERTIFYING any
21 person violating ~~any provision~~ of this section may bring disciplinary
22 proceedings or injunctive proceedings against ~~such~~ THE person pursuant
23 to section 12-43-224 or 12-43-227.

24 (3) (a) ~~Any person licensed under this article on July 1, 1998, shall~~
25 ~~not be required to comply with the education requirements of paragraphs~~
26 ~~(b) and (c) of subsection (1) of this section if such person has, on such~~
27 ~~date, been licensed under this article for a period of seven consecutive~~

1 years.

2 (b) ~~Any person licensed under this article on July 1, 1998, shall~~
3 ~~not be required to comply with the supervision requirements of paragraph~~
4 ~~(c) of subsection (1) of this section if such person has, on such date, been~~
5 ~~licensed under this article for a period of five consecutive years.~~

6 **SECTION 39. Repeal.** 12-43-301 (3), (5), and (7), 12-43-401
7 (3) and (9), 12-43-501 (3) and (5), 12-43-601 (3), and 12-43-701 (1) and
8 (3), Colorado Revised Statutes, are repealed.

9 **SECTION 40.** 12-43-302 (2), the introductory portion to
10 12-43-302 (4) (b), and 12-43-302 (4) (b) (II), Colorado Revised Statutes,
11 are amended to read:

12 **12-43-302. State board of psychologist examiners.** (2) The
13 board ~~shall consist~~ CONSISTS of seven members who are citizens of the
14 United States and residents of the state of Colorado as follows:

15 (a) ~~Three~~ FOUR board members ~~shall~~ MUST be licensed
16 psychologists, at least two of whom shall be engaged in the direct practice
17 of psychology; except that, if, after a good-faith attempt, the governor
18 determines that an applicant for membership on the board pursuant to this
19 paragraph (a) who is engaged in the direct practice of psychology is not
20 available to serve on the board for a particular term, the governor may
21 appoint a licensed psychologist who is not engaged in the direct practice
22 of psychology.

23 (b) ~~Four~~ THREE board members ~~shall~~ MUST be representatives of
24 the general public, one of whom may be a mental health consumer or
25 family member of a mental health consumer. These individuals ~~shall~~
26 MUST have never been psychologists, applicants or former applicants for
27 licensure as psychologists, members of another mental health profession,

1 or members of households that include psychologists or members of
2 another mental health profession or otherwise have conflicts of interest
3 or the appearance of such conflicts with their duties as board members.

4 (4) (b) The terms of office of the members on the board ~~as of~~
5 ~~August 3, 2007, shall be~~ ARE modified as follows in order to ensure
6 staggered terms of office:

7 (II) The initial term of office of the one board member
8 representing the general public whose initial term would otherwise expire
9 on June 30, 2009, shall expire on May 31, 2009, and the board member
10 ~~shall be~~ IS eligible to serve one additional four-year term commencing on
11 June 1, 2009, and expiring on May 31, 2013. On and after the expiration
12 of this board member's term ~~persons appointed~~ OR A VACANCY IN THIS
13 POSITION, THE GOVERNOR SHALL APPOINT A LICENSED PSYCHOLOGIST to
14 this position on the board, ~~shall~~ WHO IS ELIGIBLE TO serve terms as
15 described in paragraph (a) of this subsection (4) commencing on June 1
16 of the applicable year.

17 **SECTION 41.** 12-43-303 (1) and (2), Colorado Revised Statutes,
18 are amended to read:

19 **12-43-303. Practice of psychology defined.** (1) For the
20 purposes of this part 3, the "practice of psychology" ~~is defined as~~ MEANS
21 the observation, description, evaluation, interpretation, ~~treatment,~~ or
22 modification of HUMAN behavior ~~cognitions, or emotions~~ by the
23 application of psychological ~~behavioral, and physical~~ principles, methods,
24 or procedures, for the purpose of:

25 (a) Preventing, ~~or~~ eliminating, EVALUATING, ASSESSING, OR
26 PREDICTING symptomatic, maladaptive, or undesired behavior; ~~cognitions,~~
27 ~~or emotions and of enhancing interpersonal relationships, work and life~~

1 ~~adjustment, personal effectiveness, behavioral health, and mental health.~~
2 ~~Psychologists use any and all psychological principles, methods, and~~
3 ~~devices to consider the full range of possible causes of patients' illnesses~~
4 ~~and select and apply the appropriate treatment methods.~~

5 (b) EVALUATING, ASSESSING, OR FACILITATING THE ENHANCEMENT
6 OF INDIVIDUAL, GROUP, OR ORGANIZATIONAL EFFECTIVENESS, INCLUDING
7 PERSONAL EFFECTIVENESS, ADAPTIVE BEHAVIOR, INTERPERSONAL
8 RELATIONSHIPS, WORK AND LIFE ADJUSTMENT, HEALTH, AND INDIVIDUAL,
9 GROUP, OR ORGANIZATIONAL PERFORMANCE; OR

10 (c) PROVIDING CLINICAL INFORMATION TO BE UTILIZED IN LEGAL
11 PROCEEDINGS.

12 (2) The practice of psychology includes: ~~but is not limited to:~~

13 (a) Psychological testing and the evaluation or assessment of
14 personal characteristics such as intelligence; personality; COGNITIVE,
15 PHYSICAL, OR EMOTIONAL abilities; SKILLS; interests; ~~and~~ aptitudes; AND
16 NEUROPSYCHOLOGICAL FUNCTIONING;

17 (b) ~~Neuropsychological tests, assessments, diagnoses, and~~
18 ~~treatment of neuropsychological and brain disorders~~ COUNSELING,
19 PSYCHOANALYSIS, PSYCHOTHERAPY, HYPNOSIS, BIOFEEDBACK, AND
20 BEHAVIOR ANALYSIS AND THERAPY;

21 (c) ~~Psychotherapy, which may include psychoanalytic, existential,~~
22 ~~cognitive, and behavioral therapies, hypnosis, and biofeedback~~
23 DIAGNOSIS, TREATMENT, AND MANAGEMENT OF MENTAL AND EMOTIONAL
24 DISORDER OR DISABILITY, SUBSTANCE USE DISORDERS, DISORDERS OF
25 HABIT OR CONDUCT, AS WELL AS OF THE PSYCHOLOGICAL ASPECTS OF
26 PHYSICAL ILLNESS, ACCIDENT, INJURY, OR DISABILITY;

27 (d) ~~Clinical and counseling psychology, which are the sciences of~~

1 diagnosis and treatment of mental, neurological, psychophysiological, and
2 emotional disorder or disability, alcoholism and substance abuse,
3 behavioral abuse including dangerousness to self or others, and disorders
4 of habit or conduct PSYCHOEDUCATIONAL EVALUATION, THERAPY, AND
5 REMEDIATION;

6 (e) ~~Rehabilitation psychology, which is the science of psychology~~
7 ~~dealing with the psychological aspects of physical illness, accident,~~
8 ~~injury, or disability and rehabilitation therefrom~~ CONSULTATION WITH
9 PHYSICIANS, OTHER HEALTH CARE PROFESSIONALS, AND PATIENTS
10 REGARDING ALL AVAILABLE TREATMENT OPTIONS ___ WITH RESPECT TO
11 PROVISION OF CARE FOR A SPECIFIC PATIENT OR CLIENT;

12 (f) ~~Health psychology, which is the science of psychology dealing~~
13 ~~with the role of psychological factors in health and illness~~ THE PROVISION
14 OF DIRECT SERVICES TO INDIVIDUALS OR GROUPS FOR THE PURPOSE OF
15 ENHANCING INDIVIDUAL AND THEREBY ORGANIZATIONAL EFFECTIVENESS,
16 USING PSYCHOLOGICAL PRINCIPLES, METHODS, OR PROCEDURES TO ASSESS
17 AND EVALUATE INDIVIDUALS ON PERSONAL CHARACTERISTICS FOR
18 INDIVIDUAL DEVELOPMENT OR BEHAVIOR CHANGE OR FOR MAKING
19 DECISIONS ABOUT THE INDIVIDUAL, SUCH AS SELECTION; AND

20 (g) ~~Forensic psychology, which is the science of psychology that~~
21 ~~deals with the relation and application of psychological research and~~
22 ~~knowledge to legal issues, including, but not limited to, assessments of~~
23 ~~competency in civil or criminal matters, legal questions of sanity, or civil~~
24 ~~commitment proceedings;~~ THE SUPERVISION OF ANY OF THE PRACTICES
25 DESCRIBED IN THIS SUBSECTION (2).

26 (h) ~~Organizational psychology, which is the science of assessment~~
27 ~~and intervention by an employee within his or her organization or by a~~

1 consultant retained by such organization;

2 (i) ~~Community psychology, which is the science of psychology~~
3 ~~emphasizing prevention and early discovery of potential difficulties,~~
4 ~~rather than awaiting initiation of therapy by affected individuals or~~
5 ~~groups, and which is generally practiced outside of an office setting;~~

6 (j) ~~Sports psychology, which is the science of psychology dealing~~
7 ~~with enhancement of athletic performance utilizing principles of~~
8 ~~psychological research, assessment, and knowledge;~~

9 (k) ~~Psychoeducational evaluation, therapy, remediation, and~~
10 ~~consultation; and~~

11 (l) ~~Research psychology, which is the application of research~~
12 ~~methodologies, statistics, and experimental design to psychological data.~~

13 **SECTION 42.** 12-43-306 (6), Colorado Revised Statutes, is
14 amended to read:

15 **12-43-306. Exemptions.** (6) Nothing in this part 3 ~~shall be~~
16 ~~construed to prevent~~ PREVENTS the practice of psychotherapy by
17 ~~unlicensed persons who are listed~~ REGISTERED with the state grievance
18 board pursuant to section 12-43-702.5.

19 **SECTION 43.** 12-43-401 (8), Colorado Revised Statutes, is
20 amended to read:

21 **12-43-401. Definitions.** As used in this part 4, unless the context
22 otherwise requires:

23 (8) "Licensed social worker" means a person licensed under ~~the~~
24 ~~provisions of this part 4~~ AS A LICENSED SOCIAL WORKER.

25 **SECTION 44.** 12-43-402 (2), the introductory portion to
26 12-43-402 (3) (b), and 12-43-402 (3) (b) (II), Colorado Revised Statutes,
27 are amended, and the said 12-43-402 is further amended BY THE

1 ADDITION OF A NEW SUBSECTION, to read:

2 **12-43-402. State board of social work examiners.** (2) (a) ~~Three~~
3 FOUR board members shall be licensed clinical social workers, at least
4 two of whom shall be engaged in direct social work practice; except that,
5 if, after a good-faith attempt, the governor determines that an applicant
6 for membership on the board pursuant to this paragraph (a) who is
7 engaged in direct social work practice is not available to serve on the
8 board for a particular term, the governor may appoint a licensed clinical
9 social worker who is not engaged in direct social work practice.

10 (b) ~~Four~~ THREE board members shall be representatives of the
11 general public. These individuals shall have never been a social worker,
12 an applicant or former applicant for licensure as a social worker, a
13 member of another mental health profession, or a member of a household
14 that includes a social worker or a member of another mental health
15 profession or otherwise have conflicts of interest or the appearance of
16 such conflicts with his or her duties as a board member.

17 (3) (b) The terms of office of the members on the board ~~as of~~
18 ~~August 3, 2007, shall be~~ ARE modified as follows in order to ensure
19 staggered terms of office:

20 (II) The initial term of office of one of the board members
21 representing the general public whose initial term would otherwise expire
22 on July 25, 2010, ~~shall expire~~ EXPIRES on June 30, 2008, and the board
23 member ~~shall be~~ IS eligible to serve one additional four-year term
24 commencing on July 1, 2008, and expiring on June 30, 2012. On and
25 after the expiration of this board member's term ~~persons appointed~~ OR A
26 VACANCY IN THIS POSITION, THE GOVERNOR SHALL APPOINT A LICENSED
27 CLINICAL SOCIAL WORKER to this position on the board, ~~shall~~ WHO IS

1 ELIGIBLE TO serve terms as described in paragraph (a) of this subsection
2 (3) commencing on July 1 of the applicable year.

3
4 (7) WHEN PROFESSIONAL JUDGMENT SPECIFIC TO CLINICAL
5 PRACTICE IS REQUIRED IN THE REVIEW OF ALLEGED VIOLATIONS OF
6 SECTION 12-43-222, THE BOARD MAY APPOINT AN ADVISORY COMMITTEE
7 OF CLINICAL PRACTITIONERS TO REVIEW AND MAKE RECOMMENDATIONS
8 TO THE BOARD.

9
10 **SECTION 45.** 12-43-403 (1), (2) (t), and (2) (u), Colorado
11 Revised Statutes, are amended, and the said 12-43-403 (2) is further
12 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

13 **12-43-403. Social work practice defined.** (1) For the purposes
14 of this part 4, "social work practice" means the professional application
15 of social work theory and methods by a graduate with a master's degree
16 in social work OR a doctoral degree in social work ~~or a bachelor's degree~~
17 ~~in social work~~ from an accredited social work program, for the purpose
18 of prevention, assessment, diagnosis, and intervention with individual,
19 family, group, organizational, and societal problems, including alcohol
20 and substance abuse and domestic violence, based on the promotion of
21 biopsychosocial developmental processes, person-in environment
22 transactions, and empowerment of the client system. Social work theory
23 and methods are based on known accepted principles that are taught in
24 professional schools of social work in colleges or universities accredited
25 by the council on social work education.

26 (2) Professional social work practice may include, but is not
27 limited to:

- 1 (t) Psychotherapy; and
- 2 (u) Consultation, supervision, and teaching in higher education;
- 3 AND
- 4 (v) COUNSELING.

5 **SECTION 46.** 12-43-405 (1) and (2), Colorado Revised Statutes,
6 are amended to read:

7 **12-43-405. Rights and privileges of licensure and a social work**
8 **degree.** (1) Any person who possesses a valid, unsuspended, and
9 unrevoked ~~certificate~~ LICENSE as a ~~licensed~~ social worker ~~and who has~~
10 ~~received a license~~ THAT WAS ISSUED pursuant to section 12-43-404 has the
11 right to practice social work under supervision and use the title "licensed
12 social worker", "social worker", and the abbreviation "LSW". No other
13 person shall assume these titles or use these abbreviations on any work or
14 letter, sign, figure, or device to indicate that the person using the same is
15 a licensed social worker or a social worker.

16 (2) Any person who possesses a valid, unsuspended, and
17 unrevoked ~~certificate~~ LICENSE as a ~~licensed~~ clinical social worker ~~whose~~
18 ~~license~~ THAT was granted pursuant to ~~the provisions of~~ section 12-43-404
19 is entitled to engage in the private, independent practice of clinical social
20 work and has the right to practice and supervise clinical social work
21 practice and use the title "licensed clinical social worker", "clinical social
22 worker", "social worker", or "licensed social worker", and the
23 abbreviation "LCSW". No other person shall assume these titles or use
24 these abbreviations on any work or letter, sign, figure, or device to
25 indicate that the person using the same is a licensed clinical social worker
26 or social worker.

27 **SECTION 47.** 12-43-406 (2) and (5), Colorado Revised Statutes,

1 are amended to read:

2 **12-43-406. Scope of part.** (2) No person may state that he or she
3 is engaged in the practice of social work as a social worker, or refer to
4 himself or herself as a social worker, unless ~~such~~ THE person is licensed
5 ~~or registered~~ pursuant to this part 4 or possesses an earned social work
6 degree, as defined in section 12-43-401 (11). No person may practice as
7 a clinical social worker unless licensed pursuant to section 12-43-404 (2)
8 or licensed ~~or registered~~ to practice social work and supervised pursuant
9 to section 12-43-404 (1) or (2).

10 (5) Nothing in this part 4 ~~shall be construed to prevent~~ PREVENTS
11 the practice of psychotherapy by ~~unlicensed~~ persons ~~who are listed~~
12 REGISTERED with the state grievance board pursuant to section
13 12-43-702.5.

14 **SECTION 48. Repeal.** 12-43-408 (1), Colorado Revised
15 Statutes, is repealed as follows:

16 **12-43-408. School social workers.** (1) ~~Any person who holds a~~
17 ~~valid master's degree in social work and has obtained the special services~~
18 ~~license with social work endorsement issued by the department of~~
19 ~~education pursuant to the "Colorado Educator Licensing Act of 1991",~~
20 ~~article 60.5 of title 22, C.R.S., shall be issued the "LISW" certificate upon~~
21 ~~application and payment of said fees and shall be subject to the provisions~~
22 ~~of this article.~~

23 **SECTION 49.** 12-43-409, Colorado Revised Statutes, is amended
24 to read:

25 **12-43-409. Clinical social work practice of psychotherapy.** For
26 the purpose of licensure, the practice, UNDER THIS PART 4, of
27 psychotherapy ~~under this part 4 shall be~~ AND OTHER CLINICAL ACTIVITIES

1 WITHIN THE DEFINITION OF SOCIAL WORK PRACTICE IN SECTION 12-43-403
2 IS limited to licensed clinical social workers or licensed social workers
3 supervised by licensed clinical social workers.

4 **SECTION 50.** 12-43-410, Colorado Revised Statutes, is amended
5 to read:

6 **12-43-410. Employees of social services.** (1) Notwithstanding
7 the exemption in section 12-43-215 (3), ~~no~~ AN employee of the
8 department of human services, employee of a county department of social
9 services, or personnel under the direct control or supervision of such
10 departments, shall NOT state that he or she is engaged in the practice of
11 social work as a social worker or refer to himself or herself as a social
12 worker unless ~~such~~ THE person is licensed ~~or registered~~ pursuant to this
13 part 4 or possesses an earned social work degree, as defined in section
14 12-43-401 (11).

15 (2) Notwithstanding the exemption in section 12-43-215 (3), any
16 employee licensed ~~or registered~~ pursuant to ~~the provisions of~~ this article
17 who is terminated from employment by the department of human services
18 or a county department of social services is subject to review and
19 disciplinary action by the board that licenses ~~registers~~, or regulates ~~such~~
20 THE employee.

21 (3) An employee of the state department of human services or a
22 county department of social services who has earned a ~~bachelor's or~~
23 master's degree in social work may apply to the board, for purposes
24 related to licensure under this part 4, for approval for supervision by a
25 person other than a licensed clinical social worker. The board shall
26 consider input from representatives of the state department of human
27 services and the county departments of social services when promulgating

1 the rule concerning what qualifications or experience a person is required
2 to possess in order to supervise an employee pursuant to this subsection
3 (3).

4 **SECTION 51.** 12-43-502 (2) (a), the introductory portion to
5 12-43-502 (4) (b), and 12-43-502 (4) (b) (III), Colorado Revised Statutes,
6 are amended to read:

7 **12-43-502. State board of marriage and family therapist**
8 **examiners.** (2) (a) The members of the board shall be appointed by the
9 governor as follows:

10 (I) ~~Four~~ THREE members of the general public who are not
11 regulated by this article; and

12 (II) ~~Three~~ FOUR marriage and family therapists.

13 (4) (b) The terms of office of the members on the board ~~as of~~
14 ~~August 3, 2007, shall be~~ ARE modified as follows in order to ensure
15 staggered terms of office:

16 (III) The term of office of the one board member representing the
17 general public who, as of August 12, 2009, would have served one full
18 four-year term and one partial four-year term ~~shall expire~~ EXPIRES on July
19 31, 2009. This board member ~~shall be~~ IS eligible to serve one additional
20 four-year term commencing on August 1, 2009, and expiring on July 31,
21 2013. On and after the expiration of this board member's term ~~persons~~
22 ~~appointed~~ OR A VACANCY IN THIS POSITION, THE GOVERNOR SHALL
23 APPOINT A MARRIAGE AND FAMILY THERAPIST to this position on the
24 board, ~~shall~~ WHO IS ELIGIBLE TO serve terms as described in paragraph (a)
25 of this subsection (4) commencing on August 1 of the applicable year.

26 **SECTION 52.** 12-43-505 (5), Colorado Revised Statutes, is
27 amended to read:

1 **12-43-505. Rights and privileges of licensure and registration.**

2 (5) Nothing in this part 5 ~~shall be construed to prevent~~ PREVENTS the
3 practice of psychotherapy by ~~unlicensed persons who are listed~~
4 REGISTERED with the state grievance board pursuant to section
5 12-43-702.5.

6 **SECTION 53.** 12-43-601 (2), (4), and (5), Colorado Revised
7 Statutes, are amended to read:

8 **12-43-601. Definitions.** As used in this part 6, unless the context
9 otherwise requires:

10 (2) ~~"Clinical mental health counseling" includes:~~

11 ~~(a) Assessment, counseling activities, consultation, and referral;~~
12 and

13 ~~(b) Treatment, diagnosis, testing, assessment, psychotherapy, or~~
14 ~~counseling in a professional relationship to assist individuals or groups~~
15 ~~to alleviate mental and emotional disorders, understand unconscious or~~
16 ~~conscious motivation, resolve emotional, relationship, or attitudinal~~
17 ~~conflicts, or modify behaviors that interfere with effective emotional,~~
18 ~~social, or intellectual functioning.~~

19 (4) "Licensed professional counselor" means a professional
20 counselor who practices professional counseling ~~or mental health~~
21 counseling and who is licensed pursuant to this part 6.

22 (5) (a) ~~"Professional counseling" means:~~

23 ~~(I) Those activities that assist the person receiving counseling in~~
24 ~~developing an understanding of personal, emotional, social, educational,~~
25 ~~alcohol and substance abuse, domestic violence, and vocational~~
26 ~~development and in planning and effecting actions to increase functioning~~
27 ~~or gain control of his or her behavior in such areas. Such activities~~

1 include, but are not limited to, skill-building in communications,
2 decision-making, and problem-solving, clarifying values, promoting
3 adaptation to loss and other life changes, developing social skills,
4 restructuring cognitive patterns, defining educational and career goals,
5 and facilitating adjustment to personal crises and conflicts.

6 (H) ~~The selecting, administering, scoring, and interpreting of~~
7 ~~instruments designed to measure aptitudes, attitudes, abilities,~~
8 ~~achievements, interests, emotions, and other personal characteristics and~~
9 ~~includes the application of nonstandardized methods, such as interviews,~~
10 ~~to evaluate a person receiving counseling and to evaluate such personal~~
11 ~~and social functioning;~~

12 (HH) ~~A voluntary relationship between a counselor and a client in~~
13 ~~which the counselor assists a person, couple, group, or organization to~~
14 ~~cope with matters that include relationships, conflicts, problem-solving,~~
15 ~~decision-making, and competencies by interpreting, reporting on, or~~
16 ~~applying counseling theory;~~

17 (IV) ~~Rendering of or offering to render counseling services that~~
18 ~~facilitate effective personal, emotional, social, educational, and vocational~~
19 ~~development in individuals, couples, groups, and organizations, with an~~
20 ~~emphasis on the natural aspects of human development and with an~~
21 ~~educational orientation.~~

22 (b) ~~Professional counseling follows a planned procedure of~~
23 ~~intervention that takes place on a regular basis, over a period of time, or~~
24 ~~in the cases of testing, assessment, and brief professional counseling, it~~
25 ~~can be a single intervention.~~

26 **SECTION 54.** 12-43-602 (2) (a), the introductory portion to
27 12-43-602 (4) (b), and 12-43-602 (4) (b) (II), Colorado Revised Statutes,

1 are amended to read:

2 **12-43-602. State board of licensed professional counselor**
3 **examiners.** (2) (a) The members of the board shall be appointed by the
4 governor as follows:

5 (I) ~~Four~~ THREE members of the general public who are not
6 regulated under this article; and

7 (II) ~~Three~~ FOUR licensed professional counselors.

8 (4) (b) The terms of office of the members on the board ~~as of~~
9 ~~August 3, 2007, shall be~~ ARE modified as follows in order to ensure
10 staggered terms of office:

11 (II) The term of office of the one board member representing the
12 public whose initial term would otherwise expire on September 12, 2009,
13 ~~shall expire~~ EXPIRES on August 31, 2009, and the board member ~~shall be~~
14 IS eligible to serve one additional four-year term, commencing on
15 September 1, 2009, and expiring on August 31, 2013. On and after the
16 expiration of this board member's term ~~persons appointed~~ OR A VACANCY
17 IN THIS POSITION, THE GOVERNOR SHALL APPOINT A LICENSED
18 PROFESSIONAL COUNSELOR to this position on the board, ~~shall~~ WHO IS
19 ELIGIBLE TO serve terms as described in paragraph (a) of this subsection
20 (4) commencing on September 1 of the applicable year.

21 **SECTION 55.** Part 6 of article 43 of title 12, Colorado Revised
22 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
23 read:

24 **12-43-602.5. Practice of licensed professional counseling**
25 **defined.** (1) FOR PURPOSES OF THIS PART 6, "PRACTICE OF LICENSED
26 PROFESSIONAL COUNSELING" MEANS THE APPLICATION OF MENTAL
27 HEALTH, PSYCHOLOGICAL, OR HUMAN DEVELOPMENT PRINCIPLES

1 THROUGH COGNITIVE, AFFECTIVE, BEHAVIORAL, OR SYSTEMATIC
2 INTERVENTION STRATEGIES THAT ADDRESS WELLNESS, PERSONAL
3 GROWTH, OR CAREER DEVELOPMENT, AS WELL AS PATHOLOGY. A
4 LICENSED PROFESSIONAL COUNSELOR MAY RENDER THE APPLICATION OF
5 THESE PRINCIPLES TO INDIVIDUALS, COUPLES, FAMILIES, OR GROUPS.

6 (2) THE PRACTICE OF PROFESSIONAL COUNSELING MAY INCLUDE:

7 (a) EVALUATION;

8 (b) ASSESSMENT;

9 (c) TESTING;

10 (d) DIAGNOSIS;

11 (e) TREATMENT OR INTERVENTION;

12 (f) PLANNING;

13 (g) CONSULTATION;

14 (h) CASE MANAGEMENT;

15 (i) EDUCATION;

16 (j) SUPERVISION;

17 (k) PSYCHOTHERAPY;

18 (l) RESEARCH;

19 (m) REFERRAL; AND

20 (n) CRISIS INTERVENTION.

21 **SECTION 56.** 12-43-604 (1), (2), and (4), Colorado Revised
22 Statutes, are amended to read:

23 **12-43-604. Rights and privileges of licensure.** (1) Any person
24 who possesses a valid, unsuspended, and unrevoked ~~certificate~~ LICENSE
25 as a licensed professional counselor has the right to use the title for which
26 he or she is licensed pursuant to section 12-43-603. A LICENSED
27 professional counselor licensed pursuant to section 12-43-603 has the

1 right to use the abbreviation "LPC". No other person shall assume this
2 title or use this abbreviation on any work or letter, sign, figure, or device
3 to indicate that the person using the same is a licensed professional
4 counselor.

5 (2) Any person duly licensed as a licensed professional counselor
6 ~~shall~~ IS not ~~be~~ required to obtain any other license or certification to
7 practice professional counseling ~~as defined in section 12-43-601~~ unless
8 otherwise required by the board of licensed professional counselor
9 examiners.

10 (4) Nothing in this part 6 ~~shall be construed to prevent~~ PREVENTS
11 the practice of psychotherapy by ~~unlicensed~~ persons ~~who are listed~~
12 REGISTERED with the state grievance board pursuant to section
13 12-43-702.5.

14 **SECTION 57.** 12-43-702 (2), (3), and (6), Colorado Revised
15 Statutes, are amended to read:

16 **12-43-702. State grievance board - creation - subject to**
17 **termination.** (2) ~~Four~~ THREE members of the grievance board shall be
18 appointed by the governor from the general public who are not regulated
19 by this article with a good faith effort to achieve broad-based
20 geographical representation. Such members ~~shall~~ ARE ELIGIBLE TO serve
21 terms of ~~three~~ FOUR years. ~~No such~~ A member ~~shall~~ MUST NOT have any
22 direct involvement or interest in the provision of psychotherapy; except
23 that such member may be or may have been a consumer of such services.

24 (3) ~~Three~~ FOUR members of the grievance board ~~shall~~ MUST be
25 ~~unlicensed~~ REGISTERED psychotherapists. ~~shall be appointed by~~ The
26 governor ~~and~~ shall APPOINT MEMBERS TO THE GRIEVANCE BOARD TO serve
27 terms of four years.

1 (6) (a) Each member ~~shall~~ IS ELIGIBLE TO hold office until the
2 expiration of his or her appointed term or until a successor is duly
3 appointed. When the term of each grievance board member expires, the
4 governor shall appoint his or her successor for a term of four years. Any
5 vacancy occurring in the grievance board membership other than by the
6 expiration of a term shall be filled by the governor by appointment for the
7 unexpired term of such member.

8 (b) FOR PURPOSES OF APPOINTMENTS TO THE BOARD MADE ON OR
9 AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, UPON THE
10 OCCURRENCE OF A VACANCY IN A POSITION HELD BY A MEMBER
11 REPRESENTING THE PUBLIC OR UPON THE EXPIRATION OF THE SECOND
12 TERM OF OFFICE OF A MEMBER REPRESENTING THE PUBLIC, WHICHEVER
13 OCCURS FIRST, THE GOVERNOR SHALL APPOINT A REGULATED
14 PSYCHOTHERAPIST TO THAT POSITION ON THE BOARD, WHO IS ELIGIBLE TO
15 SERVE TERMS AS DESCRIBED IN SUBSECTIONS (3) AND (5) OF THIS SECTION.

16 (c) The governor may remove any grievance board member for
17 misconduct, incompetence, or neglect of duty. Actions constituting
18 neglect of duty shall include, but not be limited to, the failure of board
19 members to attend three consecutive meetings or at least three-quarters
20 of the board's meetings in any one calendar year.

21 **SECTION 58.** 12-43-710, Colorado Revised Statutes, is amended
22 to read:

23 **12-43-710. Jurisdiction.** If the licensee, registrant, ~~or unlicensed~~
24 ~~psychotherapist~~ OR CERTIFICATE HOLDER is regulated by more than one
25 board, the investigation or case being adjudicated shall be referred to the
26 board as determined APPROPRIATE by the director ~~of the division of~~
27 ~~registrations~~ for final adjudication.

1 **SECTION 59. Repeal.** 12-43-711, Colorado Revised Statutes,
2 is repealed as follows:

3 **12-43-711. Records.** ~~The grievance board shall maintain records~~
4 ~~of all cases considered and decisions rendered by said board.~~

5 **SECTION 60.** 12-43-803, Colorado Revised Statutes, is
6 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

7 **12-43-803. Practice of addiction counseling defined - scope of**
8 **practice.** (1) FOR THE PURPOSES OF THIS PART 8, "ADDICTION
9 COUNSELING" MEANS THE APPLICATION OF GENERAL COUNSELING
10 THEORIES AND TREATMENT METHODS ADAPTED SPECIFICALLY FOR
11 WORKING WITH ADDICTIVE AND OTHER BEHAVIORAL HEALTH DISORDERS.
12 ADDICTION COUNSELORS WORK IN A BROAD VARIETY OF DISCIPLINES BUT
13 SHARE AN UNDERSTANDING OF THE ADDICTIVE PROCESS. AN ADDICTION
14 COUNSELOR IDENTIFIES A VARIETY OF HELPING STRATEGIES THAT CAN BE
15 TAILORED TO MEET THE NEEDS OF THE CLIENT. ADDICTION COUNSELING
16 RELIES ON THE USE OF EVIDENCE-BASED PRACTICES THAT HAVE BEEN
17 SHOWN TO BE EFFECTIVE IN TREATING ADDICTIVE DISORDERS.

18 (2) THE SCOPE OF PRACTICE OF ADDICTION COUNSELING FOCUSES
19 ON THE FOLLOWING FOUR TRANS-DISCIPLINARY FOUNDATIONS THAT
20 UNDERLIE THE WORK OF ALL ADDICTION COUNSELORS:

21 (a) **Understanding addiction:** INCLUDES KNOWLEDGE OF
22 MODELS AND THEORIES OF ADDICTION; RECOGNITION OF SOCIAL,
23 POLITICAL, ECONOMIC, AND CULTURAL CONTEXTS WITHIN WHICH
24 ADDICTION EXISTS; UNDERSTANDING THE BEHAVIORAL, PSYCHOLOGICAL,
25 PHYSICAL HEALTH, AND SOCIAL EFFECTS OF USING ADDICTIVE SUBSTANCES
26 OR ENGAGING IN ADDICTIVE BEHAVIORS; AND RECOGNIZING AND
27 UNDERSTANDING CO-OCCURRING DISORDERS.

1 (b) **Treatment knowledge:** INCLUDES THE PHILOSOPHIES,
2 PRACTICES, POLICIES, AND OUTCOMES OF THE MOST GENERALLY ACCEPTED
3 AND SCIENTIFICALLY SUPPORTED MODELS, ALONG WITH RESEARCH AND
4 OUTCOME DATA, OF TREATMENT, RECOVERY, RELAPSE PREVENTION, AND
5 CONTINUING CARE FOR ADDICTIVE DISORDERS. TREATMENT KNOWLEDGE
6 INCLUDES THE ABILITY TO WORK EFFECTIVELY WITH FAMILIES,
7 SIGNIFICANT OTHERS, SOCIAL NETWORKS, AND COMMUNITY SYSTEMS IN
8 THE TREATMENT PROCESS AND UNDERSTANDING THE VALUE OF A
9 MULTIDISCIPLINARY APPROACH TO ADDICTION TREATMENT.

10 (c) **Application to practice:** INCLUDES THE ABILITY TO PROPERLY
11 DIAGNOSE BEHAVIORAL HEALTH DISORDERS USING APPROPRIATE
12 ASSESSMENT AND TESTING INSTRUMENTS AND PLACEMENT CRITERIA;
13 STABILIZATION TO REDUCE NEGATIVE EFFECTS OF PROBLEMATIC
14 BEHAVIORS; DEVELOPING HELPING STRATEGIES AND TREATMENT LEVELS
15 OF CARE BASED ON THE CLIENT'S STAGE OF READINESS FOR CHANGE;
16 CULTURAL COMPETENCY; AND FAMILIARITY WITH MEDICAL AND
17 PHARMACOLOGICAL RESOURCES FOR TREATMENT.

18 (d) **Professional readiness:** INCLUDES AN UNDERSTANDING OF
19 DIVERSE CULTURES; CULTIVATION OF A HIGH LEVEL OF SELF-AWARENESS;
20 ABILITY TO USE CRITICAL THINKING SKILLS; ADHERENCE TO ETHICAL
21 STANDARDS OF CONDUCT; ONGOING USE OF CLINICAL SUPERVISION AND
22 CONSULTATION; CRISIS MANAGEMENT; AND KNOWLEDGE OF THE
23 IMPORTANCE OF PREVENTION AND RECOVERY MANAGEMENT.

24 (3) THE PRIMARY PRACTICE DIMENSIONS OF ADDICTION
25 COUNSELING INCLUDE THE FOLLOWING COMPETENCIES, AS APPROPRIATE
26 BASED ON THE LEVEL OF CERTIFICATION OR LICENSURE AND SCOPE OF
27 PRACTICE:

- 1 (a) CLINICAL EVALUATION, INCLUDING SCREENING AND
2 ASSESSMENT;
- 3 (b) CLINICAL INTAKE, DISCHARGE, DISCHARGE PLANNING, AND
4 REFERRAL;
- 5 (c) TREATMENT PLANNING;
- 6 (d) SERVICE COORDINATION, INCLUDING CLIENT ADVOCACY,
7 CONTINUING CARE PLANNING, AND COLLABORATION WITH OTHER
8 BEHAVIORAL HEALTH PROFESSIONALS;
- 9 (e) COUNSELING OF INDIVIDUALS, GROUPS, FAMILIES, COUPLES,
10 AND SIGNIFICANT OTHERS;
- 11 (f) RECOVERY MANAGEMENT;
- 12 (g) CASE MANAGEMENT;
- 13 (h) CLIENT, FAMILY, AND COMMUNITY EDUCATION;
- 14 (i) DOCUMENTATION REQUIRED FOR A CLINICAL RECORD;
- 15 (j) PROFESSIONAL AND ETHICAL PRACTICES; ==
- 16 (k) CLINICAL SUPERVISION; AND
- 17 (l) INTERVENTION.

18 (4) **Scope of practice - licensed addiction counselors.** BASED
19 ON EDUCATION, TRAINING, KNOWLEDGE, AND EXPERIENCE, THE SCOPE OF
20 PRACTICE OF A LICENSED ADDICTION COUNSELOR INCLUDES BEHAVIORAL
21 HEALTH COUNSELING AND MAY INCLUDE THE TREATMENT OF SUBSTANCE
22 USE DISORDERS, ADDICTIVE BEHAVIORAL DISORDERS, AND CO-OCCURRING
23 DISORDERS, INCLUDING CLINICAL EVALUATION AND DIAGNOSIS,
24 TREATMENT PLANNING, SERVICE COORDINATION, CASE MANAGEMENT,
25 CLINICAL DOCUMENTATION, PROFESSIONAL AND ETHICAL
26 RESPONSIBILITIES, EDUCATION AND PSYCHOTHERAPY WITH CLIENTS,
27 FAMILY, AND COMMUNITY, == CLINICAL SUPERVISORY RESPONSIBILITIES.

1 AND INTERVENTION.

2 **SECTION 61.** 12-43-804, Colorado Revised Statutes, is
3 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

4 **12-43-804. Requirements for licensure and certification -**
5 **rules.** (1) THE BOARD SHALL ISSUE A LICENSE AS AN ADDICTION
6 COUNSELOR TO AN APPLICANT WHO FILES AN APPLICATION IN THE FORM
7 AND MANNER REQUIRED BY THE BOARD, SUBMITS THE FEE REQUIRED BY
8 THE BOARD PURSUANT TO SECTION 12-43-204, AND SUBMITS EVIDENCE
9 SATISFACTORY TO THE BOARD THAT HE OR SHE:

10 (a) IS AT LEAST TWENTY-ONE YEARS OF AGE;

11 (b) IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE OR
12 ANY RULES PROMULGATED BY THE BOARD;

13 (c) HOLDS A MASTER'S OR DOCTORATE DEGREE IN THE
14 BEHAVIORAL HEALTH SCIENCES FROM AN ACCREDITED SCHOOL, COLLEGE,
15 OR UNIVERSITY OR AN EQUIVALENT PROGRAM AS DETERMINED BY THE
16 BOARD;

17 (d) HAS DEMONSTRATED PROFESSIONAL COMPETENCE BY:

18 (I) PASSING A NATIONAL EXAMINATION DEMONSTRATING SPECIAL
19 KNOWLEDGE AND SKILLS IN BEHAVIORAL HEALTH DISORDERS COUNSELING
20 AS DETERMINED BY THE DIVISION OF BEHAVIORAL HEALTH IN THE
21 DEPARTMENT OF HUMAN SERVICES AND APPROVED BY THE BOARD; AND

22 (II) PASSING A JURISPRUDENCE EXAMINATION ADMINISTERED
23 BY THE DIVISION.

24 (e) HAS MET THE REQUIREMENTS FOR A CERTIFICATE OF
25 ADDICTION COUNSELING, LEVEL III;

26 (f) HAS COMPLETED THE NUMBER OF CLOCK HOURS OF
27 ADDICTION-SPECIFIC TRAINING, AS SPECIFIED BY THE BOARD BY RULE.

1 INCLUDING TRAINING IN EVIDENCE-BASED TREATMENT APPROACHES,
2 CLINICAL SUPERVISION, ETHICS, AND CO-OCCURRING DISORDERS; AND

3 (g) HAS COMPLETED AT LEAST FIVE THOUSAND HOURS OF
4 CLINICALLY SUPERVISED WORK EXPERIENCE.

5 (2) THE BOARD SHALL ISSUE A CERTIFICATION AS AN ADDICTION
6 COUNSELOR TO AN APPLICANT WHO FILES AN APPLICATION IN THE FORM
7 AND MANNER APPROVED BY THE BOARD, SUBMITS THE FEE REQUIRED BY
8 THE BOARD PURSUANT TO SECTION 12-43-204, AND SUBMITS EVIDENCE
9 SATISFACTORY TO THE BOARD THAT HE OR SHE:

10 (a) IS AT LEAST EIGHTEEN YEARS OF AGE;

11 (b) IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE OR
12 ANY RULES PROMULGATED BY THE BOARD OR BY THE STATE BOARD OF
13 HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO
14 SECTION 27-80-108 (1) (e), C.R.S.;

15 (c) HAS MET THE REQUIREMENTS FOR CERTIFICATION AT A
16 PARTICULAR CERTIFICATION LEVEL AS SPECIFIED IN RULES ADOPTED
17 PURSUANT TO SUBSECTION (3) OF THIS SECTION BY THE STATE BOARD OF
18 HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES.

19 (3) THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT
20 OF HUMAN SERVICES SHALL PROMULGATE RULES, WITH APPROVAL OF THE
21 BOARD, FOR CERTIFICATION OF ADDICTION COUNSELORS IN ACCORDANCE
22 WITH SECTION 27-80-108 (1) (e), C.R.S.

23 (4) NOTHING IN THIS PART 8 PREVENTS MEMBERS OF OTHER
24 PROFESSIONS LICENSED UNDER THE LAWS OF THIS STATE FROM RENDERING
25 SERVICES WITHIN THEIR SCOPE OF PRACTICE AS SET FORTH IN THE
26 STATUTES REGULATING THEIR PROFESSIONAL PRACTICES SO LONG AS THEY
27 DO NOT REPRESENT THEMSELVES TO BE CERTIFIED OR LICENSED

1 ADDICTION COUNSELORS.

2 **SECTION 62.** Part 8 of article 43 of title 12, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **12-43-804.5. Rights and privileges of certification and**
6 **licensure.** (1) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND
7 UNREVOKED CERTIFICATE AS A LEVEL I, II, OR III CERTIFIED ADDICTION
8 COUNSELOR HAS THE RIGHT TO PRACTICE ADDICTION COUNSELING UNDER
9 SUPERVISION OR CONSULTATION AS REQUIRED BY THE RULES OF THE STATE
10 BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES; A
11 LEVEL III CERTIFIED ADDICTION COUNSELOR HAS THE RIGHT TO SUPERVISE
12 ADDICTION COUNSELING PRACTICE; AND ALL LEVELS OF CERTIFICATION
13 HAVE THE RIGHT TO USE THE TITLE "CERTIFIED ADDICTION COUNSELOR"
14 AND THE ABBREVIATIONS "CAC I", "CAC II", OR "CAC III", AS
15 APPLICABLE. NO OTHER PERSON SHALL ASSUME THESE TITLES OR USE
16 THESE ABBREVIATIONS ON ANY WORK OR MEDIA TO INDICATE THAT THE
17 PERSON USING THE TITLE OR ABBREVIATION IS A CERTIFIED ADDICTION
18 COUNSELOR.

19 (2) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND
20 UNREVOKED LICENSE AS AN ADDICTION COUNSELOR HAS THE RIGHT TO
21 PRACTICE ADDICTION COUNSELING AND TO USE THE TITLE "LICENSED
22 ADDICTION COUNSELOR" OR THE ABBREVIATION "LAC". NO OTHER
23 PERSON SHALL ASSUME THESE TITLES OR USE THESE ABBREVIATIONS ON
24 ANY WORK OR MEDIA TO INDICATE THAT THE PERSON USING THE TITLE OR
25 ABBREVIATION IS A LICENSED ADDICTION COUNSELOR.

26 **SECTION 63.** 12-43-805 (1), (2) (a), and (3), Colorado Revised
27 Statutes, are amended to read:

1 **12-43-805. Continuing professional competency - rules -**

2 **repeal.** (1) (a) In accordance with sections 12-43-803 and 12-43-804,
3 the ~~director~~ BOARD issues a license or certificate to practice addiction
4 counseling based on whether the applicant satisfies minimum educational
5 and experience requirements that demonstrate professional competency
6 to practice addiction counseling. After a license or a certificate as a level
7 II or level III addiction counselor is issued to an applicant, the licensed or
8 level II or level III certified addiction counselor shall maintain continuing
9 professional competency to practice addiction counseling.

10 (b) The ~~director~~ BOARD, in consultation with the ~~alcohol and drug~~
11 ~~abuse~~ division OF BEHAVIORAL HEALTH in the department of human
12 services and other stakeholders, shall adopt rules establishing a
13 continuing professional competency program that includes, at a minimum,
14 the following elements:

15 (I) A self-assessment of the knowledge and skills of a licensed or
16 level II or level III certified addiction counselor seeking to renew or
17 reinstate a license;

18 (II) Development, execution, and documentation of a learning
19 plan based on the assessment; and

20 (III) Periodic demonstration of knowledge and skills through
21 documentation of activities necessary to ensure at least minimal ability to
22 safely practice the profession. Nothing in this subparagraph (III) shall
23 require a licensed or level II or level III certified addiction counselor to
24 retake any examination required pursuant to section 12-43-804 in
25 connection with initial licensure or certification.

26 (c) ~~The director shall establish that~~ A licensed or level II or level
27 III certified addiction counselor ~~is deemed to satisfy~~ SATISFIES the

1 continuing competency requirements of this section if the licensed or
2 level II or level III certified addiction counselor meets the continued
3 professional competence requirements of one of the following entities:

4 (I) A state department, including continued professional
5 competence requirements imposed through a contractual arrangement
6 with a provider;

7 (II) An accrediting body recognized by the ~~director~~ BOARD; or

8 (III) An entity approved by the ~~director~~ BOARD.

9 (d) (I) After the program is established, a licensed or level II
10 or level III certified addiction counselor shall satisfy the requirements of
11 the program in order to renew or reinstate a license or certificate to
12 practice addiction counseling in Colorado.

13 (II) The requirements of this section apply to individual addiction
14 counselors who are licensed or level II or level III certified pursuant to
15 this part 8, and nothing in this section shall be construed to require a
16 person who employs or contracts with a licensed or level II or level III
17 certified addiction counselor to comply with the requirements of this
18 section.

19 (2) (a) Records of assessments or other documentation developed
20 or submitted in connection with the continuing professional competency
21 program are confidential and not subject to inspection by the public or
22 discovery in connection with a civil action against a licensed or certified
23 addiction counselor. The records or documents shall be used only by the
24 board for purposes of determining whether a licensed or level II or level
25 III certified addiction counselor is maintaining continuing professional
26 competency to engage in the profession.

27 (3) As used in this section, "continuing professional competency"

1 means the ongoing ability of a licensed or level II or level III certified
2 addiction counselor to learn, integrate, and apply the knowledge, skill,
3 and judgment to practice as an addiction counselor according to generally
4 accepted industry standards and professional ethical standards in a
5 designated role and setting.

6

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7 **SECTION 64.** The introductory portion to 13-4-102 (2) and
8 13-4-102 (2) (s), Colorado Revised Statutes, are amended to read:

9 **13-4-102. Jurisdiction.** (2) The court of appeals ~~shall have~~ HAS
10 initial jurisdiction to:

11 (s) Review final actions and orders of the boards, as defined in
12 section 12-43-201 (1), C.R.S., that are appropriate for judicial review and
13 final actions; ~~and orders of the director of the division of registrations~~
14 ~~pertaining to addiction counselors pursuant to part 8 of article 43 of title~~
15 ~~12, C.R.S., that are appropriate for judicial review;~~

16 **SECTION 65.** 13-21-115.5 (3) (c) (II) (P) and (3) (c) (II) (S),
17 Colorado Revised Statutes, are amended to read:

18 **13-21-115.5. Volunteer service act - immunity - exception for**
19 **operation of motor vehicles.** (3) As used in this section, unless the
20 context otherwise requires:

21 (c) (II) "Volunteer" includes:

22 (P) A licensed professional counselor governed by ~~the provisions~~
23 ~~of article 43 of title 12, C.R.S., performing~~ PRACTICING professional
24 counseling as defined in section ~~12-43-601 (5);~~ 12-43-602.5, C.R.S., as
25 a volunteer for a nonprofit organization, a nonprofit corporation, a
26 governmental entity, or a hospital;

27 (S) A licensed or certified addiction counselor governed by ~~the~~

1 ~~provisions~~ of article 43 of title 12, C.R.S., performing addiction
2 counseling, as defined in section ~~12-43-802~~ 12-43-803, C.R.S., as a
3 volunteer for a nonprofit organization, a nonprofit corporation, a
4 governmental entity, or a hospital.

5 **SECTION 66.** 13-90-107 (1) (g), Colorado Revised Statutes, is
6 amended to read:

7 **13-90-107. Who may not testify without consent.** (1) There are
8 particular relations in which it is the policy of the law to encourage
9 confidence and to preserve it inviolate; therefore, a person shall not be
10 examined as a witness in the following cases:

11 (g) A licensed psychologist, professional counselor, marriage and
12 family therapist, social worker, ~~unlicensed~~ OR ADDICTION COUNSELOR, A
13 REGISTERED psychotherapist, or ~~licensed~~ A CERTIFIED addiction counselor
14 shall not be examined without the consent of ~~such~~ THE licensee's,
15 CERTIFICATE HOLDER'S, or ~~unlicensed psychotherapist's~~ REGISTRANT'S
16 client as to any communication made by the client to ~~such~~ THE licensee,
17 ~~or unlicensed psychotherapist~~ CERTIFICATE HOLDER, OR REGISTRANT or
18 ~~such~~ THE licensee's, CERTIFICATE HOLDER'S, or ~~unlicensed~~
19 ~~psychotherapist's~~ REGISTRANT'S advice given ~~thereon~~ in the course of
20 professional employment; nor shall any secretary, stenographer, or clerk
21 employed by a licensed psychologist, professional counselor, marriage
22 and family therapist, social worker, ~~unlicensed~~ OR ADDICTION
23 COUNSELOR, A REGISTERED psychotherapist, or ~~licensed~~ A CERTIFIED
24 addiction counselor be examined without the consent of the employer of
25 ~~such~~ THE secretary, stenographer, or clerk concerning any fact, the
26 knowledge of which ~~such~~ THE employee has acquired in such capacity;
27 nor shall any person who has participated in any psychotherapy,

1 conducted under the supervision of a person authorized by law to conduct
2 such therapy, including ~~but not limited to~~ group therapy sessions, be
3 examined concerning any knowledge gained during the course of such
4 therapy without the consent of the person to whom the testimony sought
5 relates.

6 **SECTION 67.** The introductory portion to 18-3-405.5 (4) and
7 18-3-405.5 (4) (b), Colorado Revised Statutes, are amended to read:

8 **18-3-405.5. Sexual assault on a client by a psychotherapist.**

9 (4) As used in this section, unless the context ~~requires otherwise~~
10 OTHERWISE REQUIRES:

11 (b) "Psychotherapist" means any person who performs or purports
12 to perform psychotherapy, whether ~~or not such~~ THE person is licensed OR
13 REGISTERED by the state pursuant to title 12, C.R.S., or certified by the
14 state pursuant to part 5 of article 1 of title 25, C.R.S.

15 **SECTION 68.** The introductory portion to 19-1-307 (2) (e.5) (I)
16 and 19-1-307 (2) (e.5) (I) (G), Colorado Revised Statutes, are amended
17 to read:

18 **19-1-307. Dependency and neglect records and information -**
19 **access - fee - rules - records and reports fund - misuse of information**
20 **- penalty. (2) Records and reports - access to certain persons -**
21 **agencies.** Except as otherwise provided in section 19-1-303, only the
22 following persons or agencies shall be given access to child abuse or
23 neglect records and reports:

24 (e.5) (I) A mandatory reporter specified in this subparagraph (I)
25 who is and continues to be officially and professionally involved in the
26 ongoing care of the child who was the subject of the report, but only with
27 regard to information that the mandatory reporter has a need to know in

1 order to fulfill his or her professional and official role in maintaining the
2 child's safety. A county department may request written affirmation from
3 a mandatory reporter stating that the reporter continues to be officially
4 and professionally involved in the ongoing care of the child who was the
5 subject of the report and describing the nature of the involvement. This
6 subparagraph (I) ~~shall apply~~ APPLIES to:

7 (G) ~~Unlicensed~~ REGISTERED psychotherapists;

8 **SECTION 69.** The introductory portion to 19-3-304 (2) and
9 19-3-304 (2) (z), Colorado Revised Statutes, are amended to read:

10 **19-3-304. Persons required to report child abuse or neglect.**

11 (2) Persons required to report such abuse or neglect or circumstances or
12 conditions ~~shall include~~ INCLUDES any:

13 (z) ~~Unlicensed~~ REGISTERED psychotherapists;

14 **SECTION 70.** 24-34-110 (3) (a) (XVII), (3) (a) (XVIII), and (3)
15 (b), Colorado Revised Statutes, are amended, and the said 24-34-110 (3)
16 (a) is further amended BY THE ADDITION OF A NEW
17 SUBPARAGRAPH, to read:

18 **24-34-110. Medical transparency act of 2010 - disclosure of**
19 **information about health care licensees - fines - rules - short title -**
20 **legislative declaration.** (3) (a) As used in this section, "applicant"
21 means a person applying for a new, active license, certification, or
22 registration or to renew, reinstate, or reactivate an active license,
23 certification, or registration to practice:

24 (XVII) Professional counseling pursuant to part 6 of article 43 of
25 title 12, C.R.S.; and

26 (XVIII) ~~Addiction counseling pursuant to part 8 of article 43 of~~
27 ~~title 12, C.R.S.~~ PSYCHOTHERAPY PURSUANT TO PART 7 OF ARTICLE 43 OF

1 TITLE 12, C.R.S.; AND

2 (XIX) ADDICTION COUNSELING PURSUANT TO PART 8 OF ARTICLE
3 43 OF TITLE 12, C.R.S.

4 (b) "~~Applicant~~" ~~includes an unlicensed therapist engaged in the~~
5 ~~practice of psychotherapy who is obligated to comply with recording~~
6 ~~requirements pursuant to section 12-43-702.5, C.R.S.~~

7 **SECTION 71.** 27-65-105 (1) (a) (II) (D), Colorado Revised
8 Statutes, is amended to read:

9 **27-65-105. Emergency procedure.** (1) Emergency procedure
10 may be invoked under either one of the following two conditions:

11 (a) (II) The following persons may effect a seventy-two-hour hold
12 as provided in subparagraph (I) of this paragraph (a):

13 (D) A licensed marriage and family therapist, ~~or~~ licensed
14 professional counselor, OR ADDICTION COUNSELOR licensed under ~~the~~
15 ~~provisions of part 5, or 6, OR 8 of article 43 of title 12, C.R.S., or an~~
16 ~~addiction counselor licensed pursuant to section 12-43-804 (3), C.R.S.,~~
17 who by reason of postgraduate education and additional preparation has
18 gained knowledge, judgment, and skill in psychiatric or clinical mental
19 health therapy, forensic psychotherapy, or the evaluation of mental
20 disorders; or

21 **SECTION 72.** The introductory portion to 30-10-606 (6) (a) and
22 30-10-606 (6) (a) (II), Colorado Revised Statutes, are amended to read:

23 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**
24 **certificate of death.** (6) (a) Notwithstanding ~~the provisions of~~ sections
25 12-43-218 and 13-90-107 (1) (d) or (1) (g), C.R.S., the coroner holding
26 an inquest or investigation pursuant to this section has the authority to
27 request and receive a copy of:

1 (II) Any information, record, or report related to treatment,
2 consultation, counseling, or therapy services from any licensed
3 psychologist, professional counselor, marriage and family therapist, social
4 worker, OR addiction counselor, CERTIFIED ADDICTION COUNSELOR, or
5 ~~unlicensed~~ REGISTERED psychotherapist if ~~such~~ THE report, record, or
6 information is relevant to the inquest or investigation.

7 **SECTION 73. Appropriation.** (1) In addition to any other
8 appropriation, there is hereby appropriated, out of any moneys in the
9 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
10 Colorado Revised Statutes, not otherwise appropriated, to the department
11 of regulatory agencies, for allocation to the executive director's office, for
12 the fiscal year beginning July 1, 2011, the sum of two hundred fifty-six
13 thousand eighty-eight dollars (\$256,088) cash funds, or so much thereof
14 as may be necessary, to be allocated as follows:

15 (a) \$176,088 for legal services; and

16 (b) \$80,000 for information technology asset maintenance.

17 (2) In addition to any other appropriation, there is hereby
18 appropriated, out of any moneys in the division of registrations cash fund
19 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
20 otherwise appropriated, to the department of regulatory agencies, for
21 allocation to the division of registrations, for personal services and
22 operating expenses, for the fiscal year beginning July 1, 2011, the sum of
23 two hundred twenty-eight thousand two hundred forty-one dollars
24 (\$228,241) cash funds and 4.3 FTE, or so much thereof as may be
25 necessary, for the implementation of this act.

26 (3) In addition to any other appropriation, there is hereby
27 appropriated to the department of law, for the fiscal year beginning July

1 1, 2011, the sum of one hundred seventy-six thousand eighty-eight dollars
2 (\$176,088) and 1.4 FTE, or so much thereof as may be necessary, for the
3 provision of legal services to the department of regulatory agencies
4 related to the implementation of this act. Said sum shall be from
5 reappropriated funds received from the department of regulatory agencies
6 out of the appropriation made in subsection (1) of this section.

7 **SECTION 74. Effective date.** This act shall take effect July 1,
8 2011.

9 **SECTION 75. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.