

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Health and Environment
Appropriations

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, CONTINUING THE STATE GRIEVANCE BOARD,**
107 **RENAMED AS THE STATE BOARD OF REGISTERED**
108 **PSYCHOTHERAPISTS, CREATING THE STATE BOARD OF**
109 **ADDICTION COUNSELOR EXAMINERS, IMPLEMENTING THE**
110 **RECOMMENDATIONS CONTAINED IN THE SUNSET REVIEW AND**
111 **REPORT OF STATE-REGULATED MENTAL HEALTH**
112 **PROFESSIONALS, AND MAKING AN APPROPRIATION.**

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.

HOUSE
Am ended 3rd Reading
May 9, 2011

HOUSE
Am ended 2nd Reading
May 6, 2011

SENATE
Am ended 3rd Reading
May 2, 2011

SENATE
Am ended 2nd Reading
Apr 29, 2011

Bill Summary

(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

1 repeal, all of the boards relating to the licensing, REGISTRATION, OR
2 CERTIFICATION of and grievances against any person licensed, registered,
3 or ~~regulated~~ CERTIFIED pursuant to ~~the provisions of~~ this article shall be
4 reviewed as provided for in section 24-34-104, C.R.S.

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6 ~~as set forth in part 8 of this article are repealed, effective July 1, 2011.~~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

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10 Revised Statutes, are repealed as follows:

11 **24-34-104. General assembly review of regulatory agencies**
12 **and functions for termination, continuation, or reestablishment.**

13 (42) The following agencies, functions, or both, shall terminate on July
14 1, 2011:

15 (g) ~~Notwithstanding paragraph (a) of subsection (11) of this~~
16 ~~section, boards relating to the licensing of and grievances against any~~
17 ~~person regulated, registered, or licensed pursuant to parts 3, 4, 5, 6, and~~
18 ~~7 of article 43 of title 12, C.R.S., and created pursuant to article 43 of title~~
19 ~~12, C.R.S.;~~

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

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

26 **24-34-104. General assembly review of regulatory agencies**
27 **and functions for termination, continuation, or reestablishment.**

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

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

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

11 **12-43-801. Definitions.** As used in this part 8, unless the context
12 otherwise requires:

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

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

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

1 (4) "BEHAVIORAL HEALTH DISORDERS" MEANS BOTH MENTAL AND
2 SUBSTANCE USE DISORDERS.

3 (5) "BOARD" MEANS THE STATE BOARD OF ADDICTION COUNSELOR
4 EXAMINERS CREATED IN SECTION 12-43-802.

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

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

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

13 (8) "CLINICAL SUPERVISION" MEANS:

14 (a) THE EVALUATION AND MODIFICATION OR APPROVAL BY A
15 SUPERVISOR OF THE CLINICAL PRACTICE OF THE PERSON BEING
16 SUPERVISED; AND

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

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

26 (10) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD
27 PURSUANT TO THIS PART 8 TO ENGAGE IN THE PRACTICE OF A LICENSED

1 ADDICTION COUNSELOR.

2 (3) (11) "Licensed addiction counselor" means a person who
3 renders addiction counseling to an individual, group, or organization and
4 who holds a license issued LICENSED by the director BOARD TO PROVIDE
5 PROFESSIONAL BEHAVIORAL HEALTH DISORDER TREATMENT.

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

8 **12-43-802. State board of addiction counselor examiners.**

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

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

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

1 THE FOUR BOARD MEMBERS APPOINTED PURSUANT TO THIS PARAGRAPH (a)
2 MUST INCLUDE AT LEAST ONE LICENSED ADDICTION COUNSELOR AND AT
3 LEAST ONE CERTIFIED ADDICTION COUNSELOR.

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

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

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

1 FOR THE UNEXPIRED TERM OF THE MEMBER.

2 (b) THE INITIAL TERMS OF OFFICE OF THE MEMBERS APPOINTED TO
3 THE BOARD AS OF JANUARY 1, 2012, ARE MODIFIED AS FOLLOWS IN ORDER
4 TO ENSURE STAGGERED TERMS OF OFFICE:

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

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

24 (4) THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR
25 MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY. ===== ACTIONS
26 CONSTITUTING NEGLECT OF DUTY INCLUDE THE FAILURE OF BOARD
27 MEMBERS TO ATTEND THREE CONSECUTIVE MEETINGS, OR AT LEAST

1 THREE-FOURTHS OF THE TOTAL MEETINGS, IN ANY CALENDAR YEAR.

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

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

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

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

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

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

22 (2) ~~The director and~~ Each board may charge an application fee to
23 an applicant for a provisional license. All fees collected pursuant to this
24 subsection (2) shall be transmitted to the state treasurer, who shall credit
25 the same to the division of registrations cash fund pursuant to section
26 24-34-105, C.R.S. An application for a provisional license ~~shall~~ MUST
27 identify the name, contact information, and license number of the licensee

1 providing supervision of the provisional licensure applicant.

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

3 **SECTION 7.** The introductory portion to 12-43-201 and
4 12-43-201 (1), (3), (6), (7.5), (7.7), (7.8) (b), (9), (9.3), (9.5), (9.7), and
5 (10), Colorado Revised Statutes, are amended, and the said 12-43-201 is
6 further amended BY THE ADDITION OF THE FOLLOWING NEW
7 SUBSECTIONS, to read:

8 **12-43-201. Definitions.** As used in this ~~part 2~~ ARTICLE, unless the
9 context otherwise requires:

10 (1) "Board" includes the state board of psychologist examiners,
11 the state board of social work examiners, the state board of licensed
12 professional counselor examiners, the state board of marriage and family
13 therapist examiners, ~~and the state grievance board~~ BOARD OF REGISTERED
14 PSYCHOTHERAPISTS, AND THE STATE BOARD OF ADDICTION COUNSELOR
15 EXAMINERS.

16 (1.3) "CERTIFICATE HOLDER" MEANS AN ADDICTION COUNSELOR
17 CERTIFIED PURSUANT TO THIS ARTICLE.

18 (1.8) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE
19 DEPARTMENT OF REGULATORY AGENCIES.

20 (3) ~~"Grievance board" means the state grievance board created by~~
21 ~~section 12-43-702.~~

22 (6) "Licensee" means a psychologist, social worker, CLINICAL
23 SOCIAL WORKER, marriage and family therapist, licensed professional
24 counselor, or addiction counselor licensed ~~certified, or registered~~ pursuant
25 to this article.

26 (7.5) "Professional relationship" means an interaction that is
27 deliberately planned or directed, or both, by the psychotherapist LICENSEE.

1 REGISTRANT, OR CERTIFICATE HOLDER toward obtaining specific
2 psychotherapeutic objectives. such as those set forth in subsection (9) of
3 this section.

4 (7.7) (a) "Provisional license" means a license OR CERTIFICATION
5 issued pursuant to section 12-43-206.5.

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

7 (7.8) (b) ~~This subsection (7.8) is repealed, effective July 1, 2011.~~

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

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

22 (9.1) (a) "REGISTERED PSYCHOTHERAPIST" MEANS A PERSON:

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

26 (II) WHO IS REGISTERED WITH THE STATE BOARD OF REGISTERED
27 PSYCHOTHERAPISTS PURSUANT TO SECTION 12-43-702.5 TO PRACTICE

1 PSYCHOTHERAPY IN THIS STATE.

2 (b) "REGISTERED PSYCHOTHERAPIST" ALSO INCLUDES A PERSON

3 WHO:

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

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

7 (III) IS REGISTERED WITH THE STATE BOARD OF REGISTERED
8 PSYCHOTHERAPISTS PURSUANT TO SECTION 12-43-702.5.

9 (9.3) "Registrant" means a psychologist candidate, MARRIAGE AND
10 FAMILY THERAPIST CANDIDATE, OR LICENSED PROFESSIONAL COUNSELOR
11 CANDIDATE registered pursuant to ~~this article~~ SECTION 12-43-304 (7),
12 12-43-504 (5), OR 12-43-603 (5), RESPECTIVELY, OR A REGISTERED
13 PSYCHOTHERAPIST.

14 (9.5) ~~"Regulated" means a person who is listed in the state~~
15 ~~grievance board data base.~~

16 (9.7) ~~"School psychologist" means a person who practices~~
17 ~~psychotherapy and who is a school psychologist licensed pursuant to the~~
18 ~~provisions of section 22-60.5-210, C.R.S.~~

19 (10) ~~"Unlicensed psychotherapist" means any person whose~~
20 ~~primary practice is psychotherapy or who holds himself or herself out to~~
21 ~~the public as being able to practice psychotherapy for compensation and~~
22 ~~who is not licensed under this title to practice psychotherapy.~~

23 ~~"Unlicensed psychotherapist" also means a person who is a licensed~~
24 ~~school psychologist licensed pursuant to section 22-60.5-210 (1) (b);~~
25 ~~C.R.S., and who is practicing outside of a school setting.~~

26 **SECTION 8.** The introductory portion to 12-43-504 (1) and
27 12-43-504 (1) (b), (1) (e), and (4), Colorado Revised Statutes, are

1 amended, and the said 12-43-504 is further amended BY THE
2 ADDITION OF A NEW SUBSECTION, to read:

3 **12-43-504. Qualifications - examination - licensure and**
4 **registration.** (1) The board shall issue a license as a marriage and family
5 therapist to each applicant who files an application ~~upon~~ IN a form and ~~in~~
6 ~~such~~ manner as REQUIRED BY the board, ~~prescribes, accompanied by a~~
7 SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO section
8 12-43-204, and ~~who~~ furnishes evidence satisfactory to the board that he
9 or she:

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

12 (e) ~~Has demonstrated~~ DEMONSTRATES professional competence
13 by passing an examination in marriage and family therapy prescribed by
14 the board and a written, mail-in jurisprudence examination administered
15 by the department of regulatory agencies DIVISION.

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

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

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

26 (II) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR
27 SHE MEETS THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (c) OF

1 SUBSECTION (1) OF THIS SECTION; AND

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

4 (b) A MARRIAGE AND FAMILY THERAPIST CANDIDATE WHO
5 REGISTERS WITH THE BOARD PURSUANT TO THIS SUBSECTION (5) IS UNDER
6 THE JURISDICTION OF THE BOARD AND IS NOT REQUIRED TO REGISTER WITH
7 THE DATABASE OF REGISTERED PSYCHOTHERAPISTS PURSUANT TO SECTION
8 12-43-702.5.

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

18 **SECTION 9.** The introductory portion to 12-43-603 (1) and
19 12-43-603 (1) (b), (1) (d), (1) (e), and (4), Colorado Revised Statutes, are
20 amended, and the said 12-43-603 is further amended BY THE
21 ADDITION OF A NEW SUBSECTION, to read:

22 **12-43-603. Licensure - examination - licensed professional**
23 **counselors.** (1) The board shall issue a license as a licensed professional
24 counselor to each applicant who files an application ~~upon~~ IN a form and
25 ~~in such a manner as~~ REQUIRED BY the board, ~~prescribes, accompanied by~~
26 a SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO section
27 12-43-204, and ~~who~~ furnishes evidence satisfactory to the board that he

1 or she:

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

5 (d) ~~Has at least two years of post-master's practice or one year of~~
6 ~~postdoctoral practice in applied psychotherapy~~ LICENSED PROFESSIONAL
7 COUNSELING under supervision approved by the board; and

8 (e) ~~Has demonstrated~~ DEMONSTRATES professional competence
9 by passing an examination in professional counseling demonstrating
10 special knowledge and skill in ~~applied psychotherapy~~ LICENSED
11 PROFESSIONAL COUNSELING as prescribed by the board and a written,
12 mail-in jurisprudence examination administered by the department of
13 regulatory agencies DIVISION.

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

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

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

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

27 (III) HAS NOT BEEN PREVIOUSLY REGISTERED AS A LICENSED

1 PROFESSIONAL COUNSELOR CANDIDATE BY THE BOARD.

2 (b) A LICENSED PROFESSIONAL COUNSELOR CANDIDATE WHO
3 REGISTERS WITH THE STATE BOARD OF LICENSED PROFESSIONAL
4 COUNSELOR EXAMINERS PURSUANT TO THIS SUBSECTION (5) IS UNDER THE
5 JURISDICTION OF THE BOARD AND IS NOT REQUIRED TO REGISTER WITH THE
6 DATABASE OF REGISTERED PSYCHOTHERAPISTS PURSUANT TO SECTION
7 12-43-702.5.

8 (c) IF A CANDIDATE DOES NOT MEET THE REQUIREMENTS OF
9 PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF THIS SECTION WITHIN
10 FOUR YEARS AFTER INITIAL REGISTRATION, THE CANDIDATE'S
11 REGISTRATION EXPIRES AND IS NOT RENEWABLE, UNLESS THE BOARD, IN
12 ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A PERSON
13 WHOSE LICENSED PROFESSIONAL COUNSELOR CANDIDATE REGISTRATION
14 EXPIRES IS NOT PRECLUDED FROM APPLYING TO THIS BOARD OR TO ANY
15 OTHER BOARD FOR LICENSURE OR REGISTRATION IN A MENTAL HEALTH
16 PROFESSION FOR WHICH THE PERSON IS QUALIFIED.

17 **SECTION 10.** 12-43-701 (1), (3), and (4), Colorado Revised
18 Statutes, are amended to read:

19 **12-43-701. Definitions.** As used in this part 7, unless the context
20 otherwise requires:

21 (1) "Grievance "Board" means the state grievance board OF
22 REGISTERED PSYCHOTHERAPISTS created by section 12-43-702.

23 (3) "~~Psychotherapy" means the treatment, diagnosis, testing,~~
24 ~~assessment, or counseling in a professional relationship to assist planned~~
25 ~~procedure of intervention which takes place on a regular basis, over a~~
26 ~~period of time. It is the intent of the general assembly that the definition~~
27 ~~of psychotherapy as used in this part 7 be interpreted in its narrowest~~

1 sense to regulate only those persons who clearly fall within the definition
2 set forth in this subsection (3).

3 (4) ~~"Unlicensed psychotherapist" means any person whose~~
4 ~~primary practice is psychotherapy or who holds himself or herself out to~~
5 ~~the public as being able to practice psychotherapy for compensation and~~
6 ~~who is not licensed under this title to practice psychotherapy.~~

7 ~~"Unlicensed psychotherapist" also means a person who is a school~~
8 ~~psychologist licensed pursuant to section 22-60.5-210(1)(b), C.R.S., and~~
9 ~~who is practicing outside of a school setting.~~

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

12 **12-43-702.5. Database of registered psychotherapists -**
13 **unauthorized practice - penalties - data collection.** (1) The ~~grievance board~~
14 ~~STATE BOARD OF REGISTERED PSYCHOTHERAPISTS~~ shall
15 maintain a ~~data base~~ DATABASE of all ~~unlicensed persons practicing~~
16 ~~psychotherapy in this state~~ REGISTERED PSYCHOTHERAPISTS. The
17 ~~grievance board shall~~ charge a fee in the same manner as authorized in
18 section 24-34-105, C.R.S., for recording information in the ~~data base~~
19 DATABASE as required by this section. Information in the ~~data base~~
20 DATABASE maintained pursuant to this section ~~shall be~~ IS open to public
21 inspection at all times.

22 (2) Any ~~unlicensed psychotherapist~~ PERSON NOT OTHERWISE
23 LICENSED, REGISTERED, OR CERTIFIED PURSUANT TO THIS ARTICLE WHO IS
24 PRACTICING PSYCHOTHERAPY IN THIS STATE shall ~~record such therapist's~~
25 REGISTER WITH THE BOARD BY SUBMITTING HIS OR HER name, current
26 address, educational qualifications, disclosure statements, therapeutic
27 orientation or methodology, or both, and years of experience in each

1 specialty area. ~~with~~ UPON RECEIPT AND REVIEW OF THE REQUIRED
2 INFORMATION, the ~~grievance board for inclusion~~ MAY APPROVE THE
3 PSYCHOTHERAPIST FOR REGISTRATION in the ~~data base~~ DATABASE required
4 by subsection (1) of this section. ~~Unlicensed psychotherapists~~ A
5 REGISTERED PSYCHOTHERAPIST shall ~~be required to~~ update ~~such~~ THIS
6 information ~~at least annually~~ UPON RENEWAL OF HIS OR HER REGISTRATION
7 and at ~~such~~ other times and under ~~such~~ conditions ~~as~~ SPECIFIED BY the
8 ~~grievance board shall prescribe~~ by rule. ~~and regulation.~~ At the time
9 of recording the information required by this section, the ~~unlicensed~~
10 REGISTERED psychotherapist shall indicate whether ~~or not the unlicensed~~
11 ~~psychotherapist~~ HE OR SHE has been convicted of, or entered a plea of
12 guilty or a ~~plea~~ of nolo contendere to, any felony or misdemeanor.
13 ~~Unlicensed psychotherapists recording the information required by this~~
14 ~~section shall be given a copy of the statutes and a copy of the state~~
15 ~~grievance board rules.~~

16 (3) ~~No~~ AN unlicensed person ~~may~~ WHOSE PRIMARY PRACTICE IS
17 PSYCHOTHERAPY OR WHO HOLDS HIMSELF OR HERSELF OUT TO THE PUBLIC
18 AS ABLE TO PRACTICE PSYCHOTHERAPY FOR COMPENSATION SHALL NOT
19 practice psychotherapy ~~if such~~ UNLESS THE person is ~~not~~ REGISTERED
20 WITH THE ~~BOARD~~ AND included in the ~~data base~~ DATABASE required by
21 this section. Notwithstanding the requirements of this section, ~~no~~
22 ~~unlicensed~~ A REGISTERED psychotherapist ~~may~~ SHALL NOT use the term
23 "~~registered~~", "~~regulated~~" "LICENSED", "certified", "clinical",
24 "~~state-registered~~", "state-approved", or any other term or abbreviation that
25 would falsely give the impression that the psychotherapist or the service
26 that is being provided is recommended by the state, based solely on
27 inclusion in the ~~data base~~ DATABASE.

1 (4) ~~No person may be listed by The grievance board~~ STATE BOARD
2 OF REGISTERED PSYCHOTHERAPISTS SHALL NOT REGISTER A PERSON
3 pursuant to this section unless ~~such~~ THE person has successfully
4 completed a written, mail-in jurisprudence examination developed and
5 approved by the department of regulatory agencies DIVISION.

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

12 **SECTION 12.** The introductory portion to 12-43-304 (1) and
13 12-43-304 (1) (b), (1) (e), (1.5) (c), and (7), Colorado Revised Statutes,
14 are amended to read:

15 **12-43-304. Qualifications - examinations - licensure.** (1) The
16 board shall issue a license as a psychologist ~~and issue an appropriate~~
17 ~~license certificate~~, to each applicant who files an application ~~upon~~ IN a
18 form and ~~in such~~ manner as REQUIRED BY the board, ~~prescribes~~,
19 ~~accompanied by such~~ SUBMITS THE fee as is required by the board
20 PURSUANT TO SECTION 12-43-204, and ~~who~~ furnishes evidence
21 satisfactory to the board that he or she:

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

24 (e) ~~Has demonstrated~~ DEMONSTRATES professional competence
25 by passing a single, written examination in psychology as prescribed by
26 the board and a written, mail-in jurisprudence examination administered
27 by the department of regulatory agencies DIVISION.

1 (1.5) (c) The board or its designated representatives shall
2 administer and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the
3 examination and ~~shall~~ take any actions necessary to ensure impartiality.
4 The BOARD SHALL DETERMINE THE passing score for the examination ~~shall~~
5 ~~be determined by the board~~ based upon a level of minimum competency
6 to engage in the practice of psychology.

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

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

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

15 (b) ~~Such candidate~~ A PSYCHOLOGIST CANDIDATE REGISTERED
16 PURSUANT TO THIS SUBSECTION (7) is not required to register with the
17 database of ~~unlicensed~~ REGISTERED psychotherapists PURSUANT TO
18 SECTION 12-43-702.5, and ~~shall be~~ IS under the jurisdiction of the state
19 board of psychologist examiners. ~~A person shall complete the~~
20 ~~requirements of paragraphs (d) and (e) of subsection (1) of this section~~
21 ~~within four years after initial registration with the psychology board.~~ If
22 ~~such~~ THE requirements OF PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF
23 THIS SECTION are not met within four years, the registration of the
24 psychologist candidate ~~shall expire~~ EXPIRES AND IS NOT RENEWABLE
25 UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN
26 EXTENSION. A person whose psychologist candidate registration ~~has~~
27 ~~expired shall not be~~ EXPIRES IS NOT precluded from applying for licensure

1 or registration with any other mental health board for which the person is
2 qualified.

3 **SECTION 13.** The introductory portion to 12-43-404 (1),
4 12-43-404 (1) (c), the introductory portion to 12-43-404 (2), and
5 12-43-404 (2) (c), (2) (d), and (2.5), Colorado Revised Statutes, are
6 amended to read:

7 **12-43-404. Qualifications - examination - licensure and**
8 **registration.** (1) The board shall license as a licensed social worker ~~and~~
9 ~~issue an appropriate certificate to,~~ any person who files an application
10 ~~therefor, accompanied by such~~ IN A FORM AND MANNER REQUIRED BY THE
11 BOARD, SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO
12 section 12-43-204, and ~~who~~ submits evidence satisfactory to the board
13 that he or she:

14 (c) Demonstrates professional competence by satisfactorily
15 passing an examination in social work AS PRESCRIBED BY THE BOARD and
16 a written, mail-in _____ jurisprudence examination administered by the
17 department of regulatory agencies DIVISION. _____

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

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

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

5 (2.5) (a) The BOARD OR ITS DESIGNATED REPRESENTATIVE SHALL
6 GIVE THE examination ~~by the board~~ described in paragraph (c) of
7 subsection (1) of this section and in paragraph (d) of subsection (2) of this
8 section ~~shall be given not less than~~ AT LEAST twice per year at ~~such~~ A time
9 and place and under ~~such~~ THE supervision ~~as~~ DETERMINED BY the board.
10 ~~may determine.~~

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

17 **SECTION 14.** The introductory portion to 12-43-222 (1) and
18 12-43-222 (1) (a), (1) (e), (1) (f), (1) (g), (1) (q), (1) (t) (I), (1) (t) (III),
19 (1) (v), (1) (w), and (2), Colorado Revised Statutes, are amended, and the
20 said 12-43-222 (1) is further amended BY THE ADDITION OF A NEW
21 PARAGRAPH, to read:

22 **12-43-222. Prohibited activities - related provisions.** (1) A
23 person licensed, registered, OR certified ~~or regulated~~ under ~~part 3, 4, 5, 6,~~
24 ~~7, or 8~~ of this article is ~~in violation of~~ VIOLATES this article if ~~such~~ THE
25 person:

26 (a) Has been convicted of OR PLED GUILTY OR NOLO CONTENDERE
27 TO a felony ~~or has had accepted by a court a plea of guilty or nolo~~

1 ~~contendere to a felony if the felony is related to the ability to practice~~
2 ~~under this article~~ OR RECEIVED A DEFERRED SENTENCE TO A FELONY
3 CHARGE. A certified copy of the judgment of a court of competent
4 jurisdiction of such conviction or plea ~~shall be~~ IS conclusive evidence of
5 ~~such~~ THE conviction or plea. In considering the disciplinary action, each
6 board ~~shall be~~ IS governed by the provisions of section 24-5-101, C.R.S.

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

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

17 (II) FAILS TO ACT WITHIN THE LIMITATIONS CREATED BY A
18 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE PERSON
19 UNABLE TO TREAT CLIENTS WITH REASONABLE SKILL AND SAFETY OR THAT
20 MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER
21 CARE; OR

22 (III) FAILS TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER
23 A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION
24 12-43-221.5;

25 (g) (I) Has acted or failed to act in a manner that does not meet the
26 generally accepted standards of the professional discipline under which
27 ~~such~~ THE person practices. GENERALLY ACCEPTED STANDARDS MAY

1 INCLUDE, AT THE BOARD'S DISCRETION, THE STANDARDS OF PRACTICE
2 GENERALLY RECOGNIZED BY STATE AND NATIONAL ASSOCIATIONS OF
3 PRACTITIONERS IN THE FIELD OF THE PERSON'S PROFESSIONAL DISCIPLINE.

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

9 ==
10 (q) Has offered or given commissions, rebates, or other forms of
11 remuneration for the referral of clients; ~~Notwithstanding this provision,~~
12 EXCEPT THAT a licensee, registrant, or ~~unlicensed psychotherapist~~
13 CERTIFICATE HOLDER may pay an independent advertising or marketing
14 agent compensation for advertising or marketing services rendered on
15 ~~such~~ THE person's behalf by such agent, including compensation that is
16 paid for the results of performance of such services on a per-patient basis;

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

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

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

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

27 (w) Has sold or fraudulently obtained or furnished a license,

1 REGISTRATION, OR certification ~~or registration~~ to practice as a
2 PSYCHOLOGIST, social worker, marriage and family therapist, LICENSED
3 professional counselor, ~~psychologist~~, PSYCHOTHERAPIST, or addiction
4 counselor or has aided or abetted ~~therein~~ IN SUCH ACTIVITIES; OR

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

8 (2) A disciplinary action relating to a license, registration, OR
9 certification ~~or listing~~ to practice a profession licensed, registered, OR
10 certified ~~or listed~~ under ~~part 3, 4, 5, 6, 7, or 8~~ of this article or any related
11 occupation in any other state, territory, or country for disciplinary reasons
12 ~~shall be deemed to be~~ CONSTITUTES prima facie evidence of grounds for
13 disciplinary action, including denial of licensure, REGISTRATION, OR
14 CERTIFICATION, by a board. ~~or the director.~~ This subsection (2) ~~shall~~
15 ~~apply~~ APPLIES only to disciplinary actions based upon acts or omissions
16 in such other state, territory, or country substantially similar to those ACTS
17 OR OMISSIONS set out as grounds for disciplinary action pursuant to
18 subsection (1) of this section.

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

21 **12-43-223. Authority of boards - cease-and-desist**
22 **orders - rules.** (1) (a) If a licensee, registrant, or ~~unlicensed~~
23 ~~psychotherapist has violated~~ CERTIFICATE HOLDER VIOLATES any of the
24 ~~provisions~~ PROVISION of section 12-43-222, the board that licenses,
25 registers, or ~~regulates such~~ CERTIFIES THE licensee, registrant, or
26 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER may:

27 (I) Deny, revoke, or suspend ~~any~~ THE PERSON'S license, ~~or~~

1 registration, or CERTIFICATION;

2 (II) DENY, REVOKE, OR SUSPEND the listing of ~~any unlicensed A~~
3 REGISTERED psychotherapist in the ~~grievance board data base~~ STATE
4 BOARD OF REGISTERED PSYCHOTHERAPISTS DATABASE;

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

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

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

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

15 (b) WHEN A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER
16 VIOLATES AN ADMINISTRATIVE REQUIREMENT OF THIS ARTICLE, THE
17 BOARD REGULATING THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER
18 MAY IMPOSE AN ADMINISTRATIVE FINE ON THE LICENSEE, REGISTRANT, OR
19 CERTIFICATE HOLDER, NOT TO EXCEED FIVE THOUSAND DOLLARS PER
20 VIOLATION. EACH BOARD SHALL ADOPT RULES ESTABLISHING A SCHEDULE
21 OF FINES SETTING FORTH DIFFERENT LEVELS OF FINES BASED ON WHETHER
22 THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER HAS COMMITTED A
23 SINGLE VIOLATION OR SUBSEQUENT VIOLATIONS OF ADMINISTRATIVE
24 REQUIREMENTS.

25 (3) ~~If an unlicensed psychotherapist violates any of the provisions~~
26 ~~of section 12-43-222, the grievance board may refuse to include, or~~
27 ~~permanently or for a set period of time strike the name of such~~

1 ~~psychotherapist from, the data base maintained pursuant to section~~
2 ~~12-43-702.5, issue a letter of admonition to such unlicensed~~
3 ~~psychotherapist, place such unlicensed psychotherapist on probation, or~~
4 ~~apply for an injunction pursuant to section 12-43-227 to enjoin such~~
5 ~~unlicensed psychotherapist from practicing psychotherapy.~~

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

9 **12-43-221.5. Confidential agreement to limit practice -**
10 **violation grounds for discipline.** (1) IF A LICENSEE, REGISTRANT, OR
11 CERTIFICATE HOLDER HAS A PHYSICAL OR MENTAL ILLNESS OR CONDITION
12 THAT RENDERS THE PERSON UNABLE TO PRACTICE HIS OR HER MENTAL
13 HEALTH PROFESSION WITH REASONABLE SKILL AND WITH SAFETY TO
14 CLIENTS, THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SHALL
15 NOTIFY THE BOARD THAT REGULATES HIS OR HER PROFESSION OF THE
16 ILLNESS OR CONDITION IN A MANNER AND WITHIN A PERIOD DETERMINED
17 BY HIS OR HER OVERSIGHT BOARD. THE APPLICABLE BOARD MAY REQUIRE
18 THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER TO SUBMIT TO AN
19 EXAMINATION OR REFER THE LICENSEE, REGISTRANT, OR CERTIFICATE
20 HOLDER TO A PEER HEALTH ASSISTANCE PROGRAM, IF SUCH PROGRAM
21 EXISTS, TO EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS
22 IMPACT ON THE LICENSEE'S, REGISTRANT'S, OR CERTIFICATE HOLDER'S
23 ABILITY TO PRACTICE WITH REASONABLE SKILL AND WITH SAFETY TO
24 CLIENTS.

25 (2) (a) UPON DETERMINING THAT A LICENSEE, REGISTRANT, OR
26 CERTIFICATE HOLDER WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION
27 IS ABLE TO RENDER LIMITED SERVICES WITH REASONABLE SKILL AND WITH

1 SAFETY TO CLIENTS, THE APPLICABLE BOARD MAY ENTER INTO A
2 CONFIDENTIAL AGREEMENT WITH THE LICENSEE, REGISTRANT, OR
3 CERTIFICATE HOLDER IN WHICH THE LICENSEE, REGISTRANT, OR
4 CERTIFICATE HOLDER AGREES TO LIMIT HIS OR HER PRACTICE BASED ON
5 THE RESTRICTIONS IMPOSED BY THE ILLNESS OR CONDITION, AS
6 DETERMINED BY THE APPLICABLE ___ BOARD.

7 (b) AS PART OF THE AGREEMENT, THE LICENSEE, REGISTRANT, OR
8 CERTIFICATE HOLDER IS SUBJECT TO PERIODIC REEVALUATIONS OR
9 MONITORING AS DETERMINED APPROPRIATE BY THE APPLICABLE BOARD.
10 THE BOARD MAY REFER THE LICENSEE, REGISTRANT, OR CERTIFICATE
11 HOLDER TO A PEER ASSISTANCE HEALTH PROGRAM, IF ONE EXISTS, FOR
12 REEVALUATION OR MONITORING.

13 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS
14 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF
15 MONITORING.

16 (3) BY ENTERING INTO AN AGREEMENT WITH THE APPLICABLE
17 BOARD PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE
18 LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS NOT ENGAGING IN
19 ACTIVITIES PROHIBITED PURSUANT TO SECTION 12-43-222. THE
20 AGREEMENT ___ DOES NOT CONSTITUTE A RESTRICTION OR DISCIPLINE
21 BY THE APPLICABLE BOARD. HOWEVER, IF THE LICENSEE, REGISTRANT, OR
22 CERTIFICATE HOLDER FAILS TO COMPLY WITH THE TERMS OF AN
23 AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE FAILURE
24 CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION 12-43-222
25 (1) (f), AND THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS
26 SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-43-223.

27 (4) THIS SECTION DOES NOT APPLY TO A LICENSEE, REGISTRANT, OR

1 CERTIFICATE HOLDER SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES
2 AS DESCRIBED IN SECTION 12-43-222 (1) (e).

3 **12-43-227.5. Mental health professional peer health assistance**
4 **program - fees - administration - rules. (1) (a) ON AND AFTER JULY 1,**
5 **2012, AS A CONDITION OF LICENSURE, REGISTRATION, OR CERTIFICATION**
6 **AND RENEWAL IN THIS STATE, EVERY PERSON APPLYING FOR A NEW**
7 **LICENSE, REGISTRATION, OR CERTIFICATION OR TO RENEW HIS OR HER**
8 **LICENSE, REGISTRATION, OR CERTIFICATION SHALL PAY A FEE, FOR USE**
9 **BY THE ADMINISTERING ENTITY SELECTED BY THE DIRECTOR PURSUANT TO**
10 **THIS SUBSECTION (1), IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE**
11 **DOLLARS PER APPLICATION FOR A NEW OR TO RENEW A LICENSE,**
12 **REGISTRATION, OR CERTIFICATION. THE DIRECTOR MAY ADJUST THE**
13 **MAXIMUM FEE AMOUNT ON JANUARY 1, 2013, AND ANNUALLY**
14 **THEREAFTER TO REFLECT CHANGES IN THE UNITED STATES BUREAU OF**
15 **STATISTICS CONSUMER PRICE INDEX FOR THE DENVER-BOULDER**
16 **CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN**
17 **CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX. THE FEE SHALL BE**
18 **FORWARDED TO THE CHOSEN ADMINISTERING ENTITY FOR USE IN**
19 **SUPPORTING DESIGNATED PROVIDERS SELECTED TO PROVIDE**
20 **ASSISTANCE TO LICENSEES, REGISTRANTS, OR CERTIFICATE HOLDERS**
21 **NEEDING HELP IN DEALING WITH PHYSICAL, EMOTIONAL, OR**
22 **PSYCHOLOGICAL CONDITIONS THAT MAY BE DETRIMENTAL TO THEIR**
23 **ABILITY TO PRACTICE THEIR MENTAL HEALTH PROFESSION.**

24 (b) **THE DIRECTOR, IN CONSULTATION WITH THE BOARDS, SHALL**
25 **SELECT ONE OR MORE PEER HEALTH ASSISTANCE PROGRAMS AS**
26 **DESIGNATED PROVIDERS. FOR PURPOSES OF SELECTING DESIGNATED**
27 **PROVIDERS, THE DIRECTOR SHALL USE A COMPETITIVE BIDDING PROCESS**

1 THAT ENCOURAGES PARTICIPATION FROM INTERESTED VENDORS. TO BE
2 ELIGIBLE FOR DESIGNATION, A PEER HEALTH ASSISTANCE PROGRAM MUST:

3 (I) PROVIDE FOR THE EDUCATION OF MENTAL HEALTH
4 PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF
5 PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND PROVIDE
6 FOR INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES
7 ESTABLISHED BY THE BOARD BY RULE;

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

10 (III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR
11 PSYCHOLOGICAL CONDITIONS AND REFER THE MENTAL HEALTH
12 PROFESSIONAL FOR APPROPRIATE TREATMENT;

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

15 (V) PROVIDE COUNSELING AND SUPPORT FOR THE MENTAL HEALTH
16 PROFESSIONAL AND FOR THE FAMILY OF ANY MENTAL HEALTH
17 PROFESSIONAL REFERRED FOR TREATMENT;

18 (VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND

19 (VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED,
20 REGISTERED, OR CERTIFIED MENTAL HEALTH PROFESSIONALS.

21 (c) THE DIRECTOR MAY SELECT AN ENTITY TO ADMINISTER THE
22 MENTAL HEALTH PROFESSIONAL PEER ASSISTANCE PROGRAM. AN
23 ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE FOUNDATION
24 THAT IS QUALIFIED UNDER SECTION 501 (c) (3) OF THE FEDERAL
25 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT IS
26 DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT,
27 EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO MENTAL

1 HEALTH PROFESSIONS, MENTAL HEALTH PROFESSIONAL EDUCATION,
2 MENTAL HEALTH RESEARCH AND SCIENCE, AND OTHER MENTAL HEALTH
3 CHARITABLE PURPOSES.

4 (d) THE ADMINISTERING ENTITY SHALL:

5 (I) DISTRIBUTE THE MONEYS COLLECTED BY THE DIVISION, ___
6 LESS EXPENSES, TO THE DESIGNATED PROVIDER, AS DIRECTED BY THE
7 DIRECTOR;

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

10 AND

11 (III) POST A SURETY PERFORMANCE BOND IN AN AMOUNT
12 SPECIFIED BY THE DIRECTOR TO SECURE PERFORMANCE UNDER THE
13 REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY
14 RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING
15 ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN
16 PERCENT OF THE TOTAL AMOUNT COLLECTED.

17 (e) THE DIVISION SHALL COLLECT THE REQUIRED ANNUAL
18 PAYMENTS PAYABLE TO THE ADMINISTERING ENTITY FOR THE BENEFIT OF
19 THE ADMINISTERING ENTITY AND SHALL TRANSFER ALL SUCH PAYMENTS
20 TO THE ADMINISTERING ENTITY. ALL REQUIRED ANNUAL PAYMENTS
21 COLLECTED OR DUE ___ FOR EACH FISCAL YEAR ARE CUSTODIAL FUNDS
22 THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY,
23 AND THE DISTRIBUTION OF PAYMENTS TO THE ADMINISTERING ENTITY OR
24 EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES
25 NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION
26 20 OF ARTICLE X OF THE STATE CONSTITUTION.

27 (2) (a) ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED BY

1 THE APPLICABLE BOARD TO A PEER HEALTH ASSISTANCE PROGRAM SHALL
2 ENTER INTO A STIPULATION WITH THE BOARD PURSUANT TO SECTION
3 12-43-223 (6) BEFORE PARTICIPATING IN THE PROGRAM. THE AGREEMENT
4 MUST CONTAIN SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE
5 PARTICIPANT, INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM
6 WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A PROVISION
7 THAT A FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS ARE TO
8 BE PROMPTLY REPORTED TO THE BOARD AND THAT SUCH FAILURE WILL
9 RESULT IN DISCIPLINARY ACTION BY THE BOARD.

10 (b) NOTWITHSTANDING SECTIONS 12-43-223, 12-43-224, AND
11 24-4-104, C.R.S., THE APPLICABLE BOARD MAY IMMEDIATELY SUSPEND
12 THE LICENSE OF ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED TO
13 A PEER HEALTH ASSISTANCE PROGRAM BY THE BOARD AND WHO FAILS TO
14 ATTEND OR TO COMPLETE THE PROGRAM. IF THE MENTAL HEALTH
15 PROFESSIONAL OBJECTS TO THE SUSPENSION, HE OR SHE MAY SUBMIT A
16 WRITTEN REQUEST TO THE BOARD FOR A FORMAL HEARING ON THE
17 SUSPENSION WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE
18 SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST. IN THE
19 HEARING, THE MENTAL HEALTH PROFESSIONAL BEARS THE BURDEN OF
20 PROVING THAT HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATION
21 SHOULD NOT BE SUSPENDED.

22 (c) ANY MENTAL HEALTH PROFESSIONAL WHO SELF-REFERS AND
23 IS ACCEPTED INTO A PEER HEALTH ASSISTANCE PROGRAM SHALL AFFIRM
24 THAT, TO THE BEST OF HIS OR HER KNOWLEDGE, INFORMATION, AND
25 BELIEF, HE OR SHE KNOWS OF NO INSTANCE IN WHICH HE OR SHE HAS
26 VIOLATED THIS ARTICLE OR THE RULES OF THE BOARD, EXCEPT IN THOSE
27 INSTANCES AFFECTED BY THE MENTAL HEALTH PROFESSIONAL'S PHYSICAL,

1 EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS.

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

17 (4) THE BOARDS MAY PROMULGATE RULES NECESSARY TO
18 IMPLEMENT THIS SECTION. THE BOARDS AND THE DIRECTOR SHALL SEEK
19 AND OBTAIN INPUT FROM REPRESENTATIVES OF EACH TYPE OF MENTAL
20 HEALTH PROFESSIONAL REGULATED UNDER THIS ARTICLE IN THE
21 DEVELOPMENT OF THE PEER HEALTH ASSISTANCE PROGRAM AND RELATED
22 RULES.

23 (5) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL"
24 MEANS A PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY
25 THERAPIST, LICENSED PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR
26 ADDICTION COUNSELOR REGULATED UNDER THIS ARTICLE.

27 **SECTION 17.** 12-43-101, Colorado Revised Statutes, is amended

1 to read:

2 **12-43-101. Legislative declaration.** The general assembly
3 hereby finds and determines that, in order to safeguard the public health,
4 safety, and welfare of the people of this state and in order to protect the
5 people of this state against the unauthorized, unqualified, and improper
6 application of ~~psychotherapy~~, psychology, social work, marriage and
7 family therapy, professional counseling, PSYCHOTHERAPY, and addiction
8 counseling, it is necessary that the proper regulatory authorities be
9 established and adequately provided for. The general assembly therefore
10 declares that there shall be established a state board of psychologist
11 examiners, a state board of social work examiners, a state board of
12 marriage and family therapist examiners, ~~and~~ a state board of licensed
13 professional counselor examiners, A STATE BOARD OF REGISTERED
14 PSYCHOTHERAPISTS, AND A STATE BOARD OF ADDICTION COUNSELOR
15 EXAMINERS with the authority to license, REGISTER, OR CERTIFY, and take
16 disciplinary actions or bring injunctive actions, or both, concerning
17 licensed psychologists AND psychologist candidates, licensed social
18 workers, licensed marriage and family therapists and MARRIAGE AND
19 FAMILY THERAPIST CANDIDATES, _____ licensed professional counselors
20 AND LICENSED PROFESSIONAL COUNSELOR CANDIDATES, REGISTERED
21 PSYCHOTHERAPISTS, AND LICENSED AND CERTIFIED ADDICTION
22 COUNSELORS, respectively, ~~There shall also be a state grievance board~~
23 ~~with the authority to take disciplinary actions or bring injunctive actions,~~
24 ~~or both, concerning unlicensed psychotherapists.~~ Additionally, the
25 ~~director of the division of registrations in the department of regulatory~~
26 ~~agencies is authorized to certify and license addiction counselors and take~~
27 ~~disciplinary actions or bring injunctive actions, or both, concerning~~

1 ~~addiction counselors,~~ AND MENTAL HEALTH PROFESSIONALS WHO HAVE
2 BEEN ISSUED A PROVISIONAL LICENSE PURSUANT TO THIS ARTICLE.

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

5 **12-43-202. Practice outside of or beyond professional training,**
6 **experience, or competence - general scope of practice for licensure,**
7 **registration, or certification.** (1) Notwithstanding any other provision
8 of this article, no licensee, registrant, OR certificate holder ~~or unlicensed~~
9 ~~psychotherapist~~ is authorized to practice outside of or beyond his or her
10 area of training, experience, or competence.

11 (2) THE PRACTICE OF PSYCHOTHERAPY IS ONE AREA OF PRACTICE
12 FOR MENTAL HEALTH PROFESSIONALS LICENSED, CERTIFIED, OR
13 REGISTERED PURSUANT TO THIS ARTICLE BUT MAY NOT BE THE ONLY OR
14 PRIMARY PRACTICE AREA OF SUCH PROFESSIONALS, OTHER THAN PERSONS
15 REGISTERED AS PSYCHOTHERAPISTS PURSUANT TO PART 7 OF THIS
16 ARTICLE. THE REQUIREMENTS FOR LICENSURE, REGISTRATION, OR
17 CERTIFICATION AS A MENTAL HEALTH PROFESSIONAL PURSUANT TO THIS
18 ARTICLE ARE CONTAINED IN SECTIONS 12-43-303, 12-43-403, 12-43-503,
19 12-43-602.5, AND 12-43-803, WHICH DEFINE THE PRACTICE OF
20 PSYCHOLOGY, SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, LICENSED
21 PROFESSIONAL COUNSELING, AND ADDICTION COUNSELING, RESPECTIVELY.

22 **SECTION 19.** 12-43-203 (2) (a), (3.5), (4), (7), and (11) (a),
23 Colorado Revised Statutes, are amended, and the said 12-43-203 is
24 further amended BY THE ADDITION OF A NEW SUBSECTION, to
25 read:

26 **12-43-203. Boards - meetings - duties - powers - removal of**
27 **members - immunity.** (2) (a) (I) Each board shall annually hold a

1 meeting and elect from its membership a chairperson and
2 vice-chairperson. Each board shall meet at such times as it deems
3 necessary or advisable or as deemed necessary and advisable by the
4 chairperson OR a majority of its members. ~~or the governor.~~ Each board
5 may conduct meetings by electronic means. EACH BOARD SHALL GIVE
6 reasonable notice of ~~all~~ ITS meetings ~~shall be given~~ in the manner
7 prescribed by each board LAW. A majority of each board ~~shall constitute~~
8 CONSTITUTES a quorum at any meeting or hearing.

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

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

15 (B) The licensee, registrant, or ~~unlicensed psychotherapist~~
16 CERTIFICATE HOLDER is participating in good faith in a program approved
17 by the board designed to end ~~such~~ AN addiction or dependency and the
18 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER
19 has not violated ~~any provisions of~~ the board's order regarding ~~such~~ THE
20 person's participation in ~~such~~ THE treatment program.

21 (III) If the board determines that it is in the best interest of a
22 complainant or other recipient of services to keep ~~such~~ proceedings or
23 RELATED documents ~~relating thereto~~ closed to the public, the final action
24 of the board ~~shall~~ MUST be open to the public without disclosing the name
25 of the client or other recipient. In all open meetings, the board shall take
26 reasonable steps ~~not to disclose~~ KEEP the names of the recipients of
27 services CONFIDENTIAL.

1 (3.5) In carrying out its duties related to the approval of
2 applications for licensure, REGISTRATION, OR CERTIFICATION pursuant to
3 this section, section 12-43-212, and ~~parts 3, 4, 5, 6, and 7~~ of this article,
4 each board shall delegate the function of the preliminary review and
5 approval of applications to the staff of ~~each such~~ THE board, with
6 approval of ~~such applications~~ AN APPLICATION ratified by action of ~~each~~
7 ~~such~~ THE board. Each board, in its sole discretion, may individually
8 review any application requiring board consideration prior to the approval
9 ~~thereof~~ OF THE APPLICATION pursuant to section 12-43-212 and ~~parts 3,~~
10 ~~4, 5, 6, and 7~~ of this article.

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

17 (7) (a) ~~The director and any~~ A member of a board or of a
18 professional review committee authorized by a board, ~~or director, any~~ A
19 member of staff to a board OR committee, ~~or the director, any~~ A person
20 acting as a witness or consultant to a board OR committee, ~~or the director,~~
21 ~~any~~ A witness testifying in a proceeding authorized under this article, and
22 ~~any~~ A person who lodges a complaint pursuant to this article ~~shall be~~ IS
23 immune from liability in ~~any~~ A civil action brought against him or her for
24 acts occurring while acting in his or her capacity as ~~the director,~~ A board
25 or committee member, staff, consultant, or witness, respectively, if ~~such~~
26 THE individual was acting in good faith within the scope of his or her
27 respective capacity, made a reasonable effort to obtain the facts of the

1 matter as to which he or she acted, and acted in the reasonable belief that
2 the action taken by him or her was warranted by the facts. ~~Any~~ A person
3 participating in good faith in lodging a complaint or participating in ~~any~~
4 AN investigative or administrative proceeding pursuant to this article ~~shall~~
5 ~~be~~ IS immune from any civil or criminal liability that may result from such
6 participation.

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

12 (11) (a) (I) SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH
13 (II) OF THIS PARAGRAPH (a), a professional review committee may be
14 established pursuant to this subsection (11) to investigate the quality of
15 care being given by a person licensed, registered, OR certified ~~or regulated~~
16 pursuant to this article. If ~~such~~ a PROFESSIONAL REVIEW committee is
17 established, it ~~shall~~ MUST include in its membership at least three persons
18 licensed, registered, OR certified ~~or regulated~~ under ~~either part 3, 4, 5, 6,~~
19 ~~7, or 8~~ of this article, ~~whichever is applicable~~, and such persons ~~shall~~
20 MUST be licensees, registrants, OR certificate holders ~~or unlicensed~~
21 ~~psychotherapists~~ in the same profession as the licensee, registrant, OR
22 certificate holder ~~or unlicensed psychotherapist~~ who is the subject of a
23 professional review proceeding. ~~but such~~

24 (II) A PROFESSIONAL REVIEW committee may be authorized to act
25 only by a society or an association of persons licensed, registered, OR
26 certified ~~or regulated~~ pursuant to this article whose membership includes
27 not less than one-third of the persons licensed, registered, OR certified ~~or~~

1 regulated pursuant to ~~part 3, 4, 5, 6, 7, or 8~~ of this article ~~whichever is~~
2 ~~applicable~~, residing in this state if the licensee, registrant, OR certificate
3 holder ~~or unlicensed psychotherapist~~ whose services are the subject of
4 review is a member of ~~such~~ THE society or association.

5 (12) THE BOARDS SHALL DEVELOP RULES OR POLICIES TO PROVIDE
6 GUIDANCE TO PERSONS LICENSED, REGISTERED, OR CERTIFIED PURSUANT
7 TO THIS ARTICLE TO ASSIST IN DETERMINING WHETHER A RELATIONSHIP
8 WITH A CLIENT OR POTENTIAL CLIENT IS LIKELY TO IMPAIR HIS OR HER
9 PROFESSIONAL JUDGMENT OR INCREASE THE RISK OF CLIENT EXPLOITATION
10 IN VIOLATION OF SECTION 12-43-222 (1) (i).

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

13 **12-43-203.5. Limitation on authority.** The authority granted
14 each board under the provisions of this article ~~shall~~ DOES not ~~be construed~~
15 ~~to~~ authorize a board to arbitrate or adjudicate fee disputes between
16 licensees, REGISTRANTS, OR CERTIFICATE HOLDERS, or between a licensee,
17 REGISTRANT, OR CERTIFICATE HOLDER and any other party.

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

20 **12-43-204. Fees - renewal.** (1) All ___ fees collected under parts
21 3, 4, 5, and 6 of PURSUANT TO this article shall be transmitted to the state
22 treasurer, who shall credit the same to the division of registrations cash
23 fund pursuant to SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED
24 IN THE SAME MANNER AS SET FORTH IN section 24-34-105, C.R.S.

25 (2) Each board may charge application and examination fees
26 established pursuant to section 24-34-105, C.R.S., to all applicants for
27 licensure, REGISTRATION, OR CERTIFICATION under this ~~part 2.~~ No fees

1 received from applicants seeking licensure shall be refunded ARTICLE.

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

18 (3.5) The director shall coordinate fee-setting pursuant to this
19 section so that all licensees, registrants, AND certificate holders ~~and~~
20 ~~unlicensed psychotherapists~~ pay fees as required by this section and
21 section 12-43-702.5 (1).

22 **SECTION 22.** The introductory portion to 12-43-205 (1) and
23 12-43-205 (1) (a), (1) (c), (1) (e), (1) (f), (1) (g), and (1) (h), Colorado
24 Revised Statutes, are amended to read:

25 **12-43-205. Records.** (1) ~~The director and~~ Each board shall keep
26 a record of proceedings and a register of all applications for licenses,
27 REGISTRATIONS, or certifications, which ~~shall~~ MUST include:

- 1 (a) The name AND age and residence of each applicant;
- 2 (c) The place of business MAILING ADDRESS of ~~such~~ THE applicant;
- 3 (e) Whether or not an examination was required and, if required,
- 4 ~~the scores of the examination~~ PROOF THAT THE APPLICANT PASSED THE
- 5 EXAMINATION;
- 6 (f) Whether ~~or not~~ licensure, REGISTRATION, OR CERTIFICATION
- 7 was granted;
- 8 (g) The date of the action of the ~~director or~~ board;
- 9 (h) ~~Such~~ Other information ~~as may be deemed~~ THE BOARD DEEMS
- 10 necessary or advisable ~~by the director or board~~ in aid of the requirements
- 11 of this section.

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

14 **12-43-206. Licensure by endorsement - rules.** ~~The~~ A board ~~or~~
15 ~~the director, as appropriate,~~ may issue a license by endorsement to engage
16 in the practice of psychology, social work, marriage and family therapy,
17 professional counseling, or addiction counseling to ~~any~~ AN applicant who
18 has a license, registration, or certification in good standing as a
19 psychologist, social worker, marriage and family therapist, LICENSED
20 professional counselor, or addiction counselor under the laws of another
21 jurisdiction if the applicant presents proof satisfactory to the board ~~or~~
22 ~~director~~ that, at the time of application for a Colorado license by
23 endorsement, the applicant possesses credentials and qualifications that
24 are substantially equivalent to the requirements of section 12-43-304,
25 12-43-404, 12-43-504, 12-43-603, or 12-43-804, whichever is applicable.
26 Each board ~~or the director~~ shall promulgate rules setting forth the manner
27 in which THE BOARD WILL REVIEW credentials and qualifications of an

1 applicant. ~~will be reviewed by the board or the director.~~

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

4 **12-43-207. License - issuance.** Each board shall issue a
5 ~~certificate of licensure whenever~~ LICENSE, REGISTRATION, OR
6 CERTIFICATION, AS APPROPRIATE, WHEN an applicant ~~for licensure~~
7 successfully qualifies ~~therefor~~ FOR LICENSURE, REGISTRATION, OR
8 CERTIFICATION as provided in this article.

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

11 **12-43-208. Drugs - medicine.** Nothing in this article ~~shall be~~
12 ~~construed as permitting~~ PERMITS psychologists, social workers, marriage
13 and family therapists, LICENSED professional counselors,
14 PSYCHOTHERAPISTS, and addiction counselors licensed, REGISTERED, OR
15 certified ~~or registered~~ under this article ~~or unlicensed psychotherapists~~ to
16 administer or prescribe drugs or in any manner engage in the practice of
17 medicine as defined by the laws of this state.

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

20 **12-43-209. Collaborate with physician.** IN ORDER TO PROVIDE
21 FOR THE DIAGNOSIS AND TREATMENT OF MEDICAL PROBLEMS, a licensee,
22 registrant, OR certificate holder ~~or unlicensed psychotherapist, in order to~~
23 ~~make provision for the diagnosis and treatment of medical problems,~~ shall
24 collaborate with a physician licensed under the laws of this state, except
25 when practicing pursuant to ~~the provisions of section~~ 12-43-201 (9). ==
26 A licensee, registrant, OR certificate holder ~~or unlicensed psychotherapist~~
27 shall not diagnose, prescribe for, treat, or advise a client with reference

1 to medical problems.

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

5 **12-43-211. Professional service corporations for the practice**
6 **of psychology, social work, marriage and family therapy,**
7 **professional counseling, and addiction counseling - definitions.**

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

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

26 (I) The practice of psychology, AS DEFINED IN SECTION 12-43-303,
27 by the professional service corporation is performed by or under the

1 supervision of a licensed psychologist, and any psychologist 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; ~~or~~

5 (II) (Deleted by amendment, L. 98, p. 1111, § 11, effective July
6 1, 1998.)

7 (III) The practice of social work, AS DEFINED IN SECTION
8 12-43-403, by the professional service corporation is performed by a
9 licensed social worker acting independently or under the supervision of
10 a person licensed pursuant to this article or a licensed social worker. Any
11 licensed social worker member of the professional service corporation
12 remains individually responsible for his or her professional acts and
13 conduct as provided elsewhere in this article; ~~or~~

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

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

1 his OR HER professional acts and conduct as provided elsewhere in this
2 article;

3 (VI) The practice of addiction counseling, AS DEFINED IN SECTION
4 12-43-802, by the professional service corporation is performed by a
5 licensed addiction counselor acting independently or under the
6 supervision of a person licensed pursuant to this article or a licensed
7 addiction counselor. Any licensed addiction counselor member of the
8 professional service corporation remains individually responsible for his
9 or her professional acts and conduct as provided in this article; OR

10 (VII) THE PRACTICE OF PSYCHOTHERAPY, AS DEFINED IN SECTION
11 12-43-201, BY THE PROFESSIONAL SERVICE CORPORATION IS PERFORMED
12 BY A REGISTERED PSYCHOTHERAPIST ACTING INDEPENDENTLY OR UNDER
13 THE SUPERVISION OF A PERSON LICENSED PURSUANT TO THIS ARTICLE OR
14 A REGISTERED PSYCHOTHERAPIST. ANY REGISTERED PSYCHOTHERAPIST
15 MEMBER OF THE PROFESSIONAL SERVICE CORPORATION REMAINS
16 INDIVIDUALLY RESPONSIBLE FOR HIS OR HER PROFESSIONAL ACTS AND
17 CONDUCT AS PROVIDED IN THIS ARTICLE.

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

27 (I) The insurance ~~shall insure~~ INSURES the corporation against

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

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

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

22 (IV) The insurance policy may provide that it does not apply to:
23 Any dishonest, fraudulent, criminal, or malicious act or omission of the
24 insured corporation or any stockholder or employee ~~thereof~~ OF THE
25 CORPORATION; or the conduct of any business enterprise, as distinguished
26 from the practice of licensees, REGISTRANTS, or ~~certified or licensed~~
27 ~~school psychologists~~) CERTIFICATE HOLDERS, in which the insured

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

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

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

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

1 the board.

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

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

9 **12-43-212. Denial of license, registration, or certification -**
10 **reinstatement.** (1) Each board is empowered to determine whether an
11 applicant for licensure, REGISTRATION, OR CERTIFICATION, OR FOR
12 REGISTRY AS A CANDIDATE FOR LICENSURE, REGISTRATION, OR
13 CERTIFICATION, possesses the qualifications ~~for licensure~~ required by this
14 article.

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

1 basis of the board's ~~or director's~~ determination that the applicant does not
2 possess the qualifications or professional competence required by this
3 article. The applicant may request a hearing on the determination as
4 provided in section 24-4-104 (9), C.R.S.

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

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

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

24 **12-43-213. Legislative intent - schools and colleges -**
25 **examinations.** It is the intent of the general assembly that the definition
26 relating to full-time courses of study and institutions of higher education
27 for graduation of persons who are ~~thereby~~ qualified to take examinations

1 for licensure under this article be liberally construed by ~~the director and~~
2 each board under the ~~director's or board's~~ rule-making powers to ensure
3 the right to take ~~such~~ THE examinations. It is not the intent that technical
4 barriers be used to deny the ability to take ~~such~~ AN examination.

5 **SECTION 30.** The introductory portion to 12-43-214 (1) and
6 12-43-214 (1) (a), (1) (b), (1) (c), (1) (d) (III), (1) (d) (IV), (4) (d), and (4)
7 (g), Colorado Revised Statutes, are amended, and the said 12-43-214 (1)
8 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
9 read:

10 **12-43-214. Mandatory disclosure of information to clients.**

11 (1) Except as otherwise provided in subsection (4) of this section, every
12 ~~unlicensed psychotherapist~~, licensee, REGISTRANT, OR certificate holder
13 ~~or registrant~~ shall provide the following information VERBALLY AND in
14 writing to each client during the initial client contact:

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

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

24 (II) A listing of any degrees, credentials, certifications,
25 REGISTRATIONS, and licenses HELD OR OBTAINED BY THE LICENSEE,
26 REGISTRANT, OR CERTIFICATE HOLDER, INCLUDING THE EDUCATION,
27 EXPERIENCE, AND TRAINING THE LICENSEE, REGISTRANT, OR CERTIFICATE

1 HOLDER WAS REQUIRED TO SATISFY IN ORDER TO OBTAIN THE DEGREE,
2 CREDENTIALS, CERTIFICATIONS, REGISTRATIONS, OR LICENSES;

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

9 (d) A statement indicating that:

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

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

23 (e) IF THE MENTAL HEALTH PROFESSIONAL IS A REGISTERED
24 PSYCHOTHERAPIST, A STATEMENT INDICATING THAT A REGISTERED
25 PSYCHOTHERAPIST IS A PSYCHOTHERAPIST LISTED IN THE STATE'S [REDACTED]
26 DATABASE AND IS AUTHORIZED BY LAW TO PRACTICE PSYCHOTHERAPY IN
27 COLORADO BUT IS NOT LICENSED BY THE STATE AND IS NOT REQUIRED TO

1 SATISFY ANY STANDARDIZED EDUCATIONAL OR TESTING REQUIREMENTS
2 TO OBTAIN A REGISTRATION FROM THE STATE.

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

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

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

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

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

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

1 purposes of legal proceedings in the courts of this state.

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

10 **SECTION 32.** 12-43-218 (1), the introductory portion to
11 12-43-218 (2), 12-43-218 (2) (a) and (2) (b), the introductory portion to
12 12-43-218 (2) (c), and 12-43-218 (2) (c) (I), (2) (c) (II), and (3), Colorado
13 Revised Statutes, are amended, and the said 12-43-218 is further amended
14 BY THE ADDITION OF A NEW SUBSECTION, to read:

15 **12-43-218. Disclosure of confidential communications.** (1) A
16 licensee, ~~school psychologist,~~ registrant, OR certificate holder ~~or~~
17 ~~unlicensed psychotherapist~~ shall not disclose, without the consent of the
18 client, any confidential communications made by the client, or advice
19 given ~~thereon~~ TO THE CLIENT, in the course of professional employment.
20 ~~nor shall~~ A licensee's, ~~school psychologist's,~~ registrant's, OR certificate
21 holder's ~~or unlicensed psychotherapist's~~ employee or associate, whether
22 clerical or professional, SHALL NOT disclose any knowledge of said
23 communications acquired in such capacity. ~~nor shall~~ Any person who has
24 participated in any therapy conducted under the supervision of a licensee,
25 ~~school psychologist,~~ registrant, OR certificate holder, ~~or unlicensed~~
26 ~~psychotherapist,~~ including ~~but not limited to,~~ group therapy sessions,
27 SHALL NOT disclose any knowledge gained during the course of such

1 therapy without the consent of the person to whom the knowledge relates.

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

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

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

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

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

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

26 (3) The records and information produced and used in the review
27 provided for in paragraph (c) of subsection (2) of this section ~~shall~~ DO not

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

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

14 **SECTION 33.** The introductory portion to 12-43-221 (1) and
15 12-43-221 (1) (b), (1) (f), and (2), Colorado Revised Statutes, are
16 amended to read:

17 **12-43-221. Powers and duties of the boards - rules.** (1) In
18 addition to all other powers and duties conferred and imposed upon the
19 boards, as defined in section 12-43-201 (1), ~~and the director by this~~
20 ~~article~~; each board ~~and the director, as appropriate, have~~ HAS the
21 following powers and duties with respect to the licensing, registration,
22 AND certification ~~and regulation~~ of the persons licensed, registered, OR
23 certified ~~or listed~~ by each individual board pursuant to ~~part 3, 4, 5, 6, or~~
24 ~~7 of this article: or by the director pursuant to part 8 of this article:~~

25 (b) (I) To make investigations, hold hearings, and take evidence
26 in accordance with ~~the provisions of~~ article 4 of title 24, C.R.S., and this
27 article in all matters relating to the exercise and performance of the

1 powers and duties vested in each board. ~~or the director.~~

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

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

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

25 (2) Pursuant to this part 2 and article 4 of title 24, C.R.S., ~~the~~
26 ~~director and~~ each board is authorized to adopt and revise ~~such~~ rules as
27 ~~may be~~ necessary to enable the ~~director or board~~ to carry out the

1 provisions of this part 2 with respect to the regulation of the persons
2 licensed, registered, OR certified ~~or regulated~~ by each individual board
3 pursuant to ~~part 3, 4, 5, 6, or 7~~ of this article. ~~or by the director pursuant~~
4 ~~to part 8 of this article.~~

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

7 **12-43-224. Disciplinary proceedings - judicial review - mental**
8 **and physical examinations - multiple licenses.** (1) (a) A proceeding
9 for discipline of a licensee, registrant, or ~~unlicensed psychotherapist~~
10 CERTIFICATE HOLDER may be commenced when the board that licenses,
11 registers, or ~~regulates such~~ CERTIFIES THE licensee, registrant, or
12 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER has reasonable grounds
13 to believe that a THE licensee, registrant, or ~~unlicensed psychotherapist~~
14 CERTIFICATE HOLDER under ~~such~~ THE board's jurisdiction has committed
15 any act or failed to act pursuant to the grounds established in section
16 12-43-222 or 12-43-226.

17 (b) A licensee, registrant, or ~~unlicensed psychotherapist~~
18 CERTIFICATE HOLDER who holds more than one license, registration, or
19 ~~listing~~ CERTIFICATION pursuant to this article, who has committed any act
20 or failed to act pursuant to the grounds established in section 12-43-222
21 or 12-43-226, ~~shall be~~ IS subject to disciplinary action by all boards that
22 license, register, or ~~regulate such~~ CERTIFY THE person pursuant to this
23 article. The findings, conclusions, and final agency order of the first
24 board to take disciplinary action pursuant to this section against the
25 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER,
26 or any disciplinary action taken by the state grievance board as it existed
27 prior to July 1, 1998, ~~shall be~~ IS prima facie evidence against ~~such~~ THE

1 person in any subsequent disciplinary action taken by another board
2 concerning the same act or series of acts.

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

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

23 (II) THE BOARD THAT LICENSES, REGISTERS, OR CERTIFIES A
24 LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER PURSUANT TO THIS
25 ARTICLE MAY SUMMARILY SUSPEND THE PERSON'S LICENSE,
26 REGISTRATION, OR CERTIFICATION, SUBJECT TO THE LIMITATION OF
27 SECTION 24-4-104, C.R.S., UNDER THE FOLLOWING CIRCUMSTANCES:

1 (A) In emergency situations, AS PROVIDED FOR by section
2 24-4-104, C.R.S.; ~~or except~~

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

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

14 (d) If a board has reasonable cause to believe that a licensee,
15 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER whom ~~such~~
16 THE board licenses, registers, or ~~regulates~~ CERTIFIES pursuant to this
17 article is unable to practice with reasonable skill and safety to patients, ~~it~~
18 THE BOARD may require ~~such~~ THE licensee, registrant, or ~~unlicensed~~
19 ~~psychotherapist~~ CERTIFICATE HOLDER to submit to mental or physical
20 examinations designated by the board. Upon the failure of ~~such~~ THE
21 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER
22 to submit to ~~such~~ A mental or physical ~~examinations~~ EXAMINATION, AND
23 unless ~~such~~ THE person shows good cause for such failure, the board may
24 act pursuant to paragraph (c) of this subsection (2) or enjoin a LICENSEE,
25 registrant, ~~unlicensed psychotherapist~~, or ~~licensee~~ CERTIFICATE HOLDER
26 pursuant to section 12-43-227 until ~~such time as such~~ THE person submits
27 to the required examinations.

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

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

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

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

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

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

24 Suspension of a license, registration, or ~~listing~~ CERTIFICATION by the
25 board that licenses, registers, or ~~regulates~~ CERTIFIES such licensee,
26 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER pursuant
27 to this article ~~shall be~~ IS for a period to be determined by ~~such~~ THE

1 APPLICABLE board.

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

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

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

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

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

25 (d) **Issuance of letters of admonition.** (I) When a complaint or
26 investigation discloses an instance of misconduct that, in the opinion of
27 the board, does not warrant formal action by the board but that should not

1 be dismissed as being without merit, a letter of admonition may be issued
2 and sent, by certified mail, to the licensee, REGISTRANT, OR certificate
3 holder. ~~registrant, or unlicensed psychotherapist.~~

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

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

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

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

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

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

22 (I) WHEN A DECISION TO PROCEED WITH A DISCIPLINARY ACTION
23 HAS BEEN AGREED UPON BY A MAJORITY OF THE MEMBERS OF THE
24 APPLICABLE BOARD ___ AND A NOTICE OF FORMAL COMPLAINT IS DRAFTED
25 AND SERVED ON THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER BY
26 FIRST-CLASS MAIL; OR

27 (II) UPON FINAL AGENCY ACTION.

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

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

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

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

24 **12-43-225. Reconsideration and review of action of a**
25 **board.** A board, on its own motion or upon application, at any time after
26 the imposition of any discipline as provided in section 12-43-224, may
27 reconsider its prior action and reinstate or restore such license,

1 registration, or ~~listing or~~ CERTIFICATION; terminate probation; or reduce
2 the severity of its prior disciplinary action. The ~~taking of any such~~ BOARD
3 HAS SOLE DISCRETION TO DETERMINE WHETHER TO TAKE further action or
4 ~~the holding of~~ HOLD a hearing with respect ~~thereto shall rest in the sole~~
5 ~~discretion of the board~~ TO ITS PRIOR DISCIPLINARY ACTION.

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

8 **12-43-226. Unauthorized practice - penalties.** (2) Any person
9 who practices or offers or attempts to practice as a PSYCHOLOGIST, social
10 worker, marriage and family therapist, LICENSED professional counselor,
11 PSYCHOTHERAPIST, OR addiction counselor ~~or psychologist~~ without an
12 active license, REGISTRATION, OR certification ~~or registration~~ issued under
13 this article commits a class 2 misdemeanor and shall be punished as
14 provided in section 18-1.3-501, C.R.S., for the first offense. Any person
15 who commits a second or any subsequent offense commits a class 6
16 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

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

19 **12-43-227. Injunctive proceedings.** (1) A board may, in the
20 name of the people of the state of Colorado, through the attorney general
21 of the state of Colorado, apply for an injunction in any court of competent
22 jurisdiction:

23 (a) To enjoin any person licensed, ~~regulated or~~ registered, OR
24 CERTIFIED by that board pursuant to ~~part 3, 4, 5, 6, or 7~~ of this article from
25 committing any act prohibited by ~~the provisions of~~ this article;

26 (b) To enjoin a licensee, ~~licensed~~ REGISTRANT, OR CERTIFICATE
27 HOLDER REGULATED by that board from practicing the profession for

1 which ~~such~~ THE person is licensed, REGISTERED, OR CERTIFIED under this
2 article or to enjoin a registered psychologist candidate from practicing the
3 profession for which such person is registered under section 12-43-304,
4 if ~~such~~ THE person has violated section 12-43-224 (2) (d) or 12-43-222.

5 (c) ~~To enjoin an unlicensed psychotherapist from practicing~~
6 ~~psychotherapy if such person has violated the provisions of section~~
7 ~~12-43-222.~~

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

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

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

19 **SECTION 38.** The introductory portion to 12-43-228 (1),
20 12-43-228 (1) (a), the introductory portion to 12-43-228 (1) (c), and
21 12-43-228 (2) and (3), Colorado Revised Statutes, are amended to read:

22 **12-43-228. Minimum standards for testing.** (1) Every person
23 licensed, registered, or ~~regulated~~ CERTIFIED under this article ~~shall~~ MUST
24 meet the minimum professional preparation standards set forth in this
25 section to engage in the administration, scoring, or interpretation of the
26 following levels of psychometric or electrodiagnostic testing:

27 (a) **General use.** There is no educational or experience minimum

1 necessary for a licensee, registrant, or ~~unlicensed psychotherapist~~
2 CERTIFICATE HOLDER to administer standardized personnel selection,
3 achievement, general aptitude, or proficiency tests.

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

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

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

26 (b) ~~Any person licensed under this article on July 1, 1998, shall~~
27 ~~not be required to comply with the supervision requirements of paragraph~~

1 (c) of subsection (1) of this section if such person has, on such date, been
2 licensed under this article for a period of five consecutive years.

3 **SECTION 39. Repeal.** 12-43-301 (3), (5), and (7), 12-43-401
4 (3) and (9), 12-43-501 (3) and (5), 12-43-601 (3), and 12-43-701 (2),
5 Colorado Revised Statutes, are repealed.

6 **SECTION 40.** 12-43-302 (2), the introductory portion to
7 12-43-302 (4) (b), and 12-43-302 (4) (b) (II), Colorado Revised Statutes,
8 are amended to read:

9 **12-43-302. State board of psychologist examiners.** (2) The
10 board ~~shall consist~~ CONSISTS of seven members who are citizens of the
11 United States and residents of the state of Colorado as follows:

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

20 (b) ~~Four~~ THREE board members ~~shall~~ MUST be representatives of
21 the general public, one of whom may be a mental health consumer or
22 family member of a mental health consumer. These individuals ~~shall~~
23 MUST have never been psychologists, applicants or former applicants for
24 licensure as psychologists, members of another mental health profession,
25 or members of households that include psychologists or members of
26 another mental health profession or otherwise have conflicts of interest
27 or the appearance of such conflicts with their duties as board members.

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

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

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

16 **12-43-303. Practice of psychology defined.** (1) For the
17 purposes of this part 3, the "practice of psychology" ~~is defined as~~ MEANS
18 the observation, description, evaluation, interpretation, ~~treatment,~~ or
19 modification of HUMAN behavior ~~cognitions, or emotions~~ by the
20 application of psychological ~~behavioral, and physical~~ principles, methods,
21 or procedures, for the purpose of:

22 (a) Preventing, ~~or~~ eliminating, EVALUATING, ASSESSING, OR
23 PREDICTING symptomatic, maladaptive, or undesired behavior; ~~cognitions,~~
24 ~~or emotions~~ and of enhancing interpersonal relationships, work and life
25 adjustment, personal effectiveness, behavioral health, and mental health.
26 ~~Psychologists use any and all psychological principles, methods, and~~
27 ~~devices to consider the full range of possible causes of patients' illnesses~~

1 ~~and select and apply the appropriate treatment methods.~~

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

7 (c) PROVIDING CLINICAL INFORMATION TO BE UTILIZED IN LEGAL
8 PROCEEDINGS.

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

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

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

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

24 (d) ~~Clinical and counseling psychology, which are the sciences of~~
25 ~~diagnosis and treatment of mental, neurological, psychophysiological, and~~
26 ~~emotional disorder or disability, alcoholism and substance abuse,~~
27 ~~behavioral abuse including dangerousness to self or others, and disorders~~

1 of habit or conduct PSYCHOEDUCATIONAL EVALUATION, THERAPY, AND
2 REMEDIATION;

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

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

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

23 (h) ~~Organizational psychology, which is the science of assessment~~
24 ~~and intervention by an employee within his or her organization or by a~~
25 ~~consultant retained by such organization;~~

26 (i) ~~Community psychology, which is the science of psychology~~
27 ~~emphasizing prevention and early discovery of potential difficulties;~~

1 rather than awaiting initiation of therapy by affected individuals or
2 groups, and which is generally practiced outside of an office setting;

3 (j) Sports psychology, which is the science of psychology dealing
4 with enhancement of athletic performance utilizing principles of
5 psychological research, assessment, and knowledge;

6 (k) Psychoeducational evaluation, therapy, remediation, and
7 consultation; and

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

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

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

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

19 **12-43-401. Definitions.** As used in this part 4, unless the context
20 otherwise requires:

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

23 **SECTION 44.** 12-43-402 (2), the introductory portion to
24 12-43-402 (3) (b), and 12-43-402 (3) (b) (II), Colorado Revised Statutes,
25 are amended, and the said 12-43-402 is further amended BY THE
26 ADDITION OF A NEW SUBSECTION, to read:

27 **12-43-402. State board of social work examiners.** (2) (a) Three

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

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

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

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

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

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

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

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

- (t) Psychotherapy; and
- (u) Consultation, supervision, and teaching in higher education;

1 AND

2 (v) COUNSELING.

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

5 **12-43-405. Rights and privileges of licensure and a social work**
6 **degree.** (1) Any person who possesses a valid, unsuspended, and
7 unrevoked ~~certificate~~ LICENSE as a ~~licensed~~ social worker ~~and who has~~
8 ~~received a license~~ THAT WAS ISSUED pursuant to section 12-43-404 has the
9 right to practice social work under supervision and use the title "licensed
10 social worker", "social worker", and the abbreviation "LSW". No other
11 person shall assume these titles or use these abbreviations on any work or
12 letter, sign, figure, or device to indicate that the person using the same is
13 a licensed social worker or a social worker.

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

25 **SECTION 47.** 12-43-406 (2) and (5), Colorado Revised Statutes,
26 are amended to read:

27 **12-43-406. Scope of part.** (2) No person may state that he or she

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

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

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

14 **12-43-408. School social workers.** (1) ~~Any person who holds a~~
15 ~~valid master's degree in social work and has obtained the special services~~
16 ~~license with social work endorsement issued by the department of~~
17 ~~education pursuant to the "Colorado Educator Licensing Act of 1991",~~
18 ~~article 60.5 of title 22, C.R.S., shall be issued the "LISW" certificate upon~~
19 ~~application and payment of said fees and shall be subject to the provisions~~
20 ~~of this article.~~

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

23 **12-43-409. Clinical social work practice of psychotherapy.** For
24 the purpose of licensure, the practice, UNDER THIS PART 4, of
25 psychotherapy ~~under this part 4 shall be~~ AND OTHER CLINICAL ACTIVITIES
26 WITHIN THE DEFINITION OF SOCIAL WORK PRACTICE IN SECTION 12-43-403
27 IS limited to licensed clinical social workers or licensed social workers

1 supervised by licensed clinical social workers.

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

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

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

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

1 (3).

2 **SECTION 51.** 12-43-502 (2) (a), the introductory portion to
3 12-43-502 (4) (b), and 12-43-502 (4) (b) (III), Colorado Revised Statutes,
4 are amended to read:

5 **12-43-502. State board of marriage and family therapist**
6 **examiners.** (2) (a) The members of the board shall be appointed by the
7 governor as follows:

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

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

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

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

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

26 **12-43-505. Rights and privileges of licensure and registration.**

27 (5) Nothing in this part 5 ~~shall be construed to prevent~~ PREVENTS the

1 practice of psychotherapy by ~~unlicensed persons who are listed~~
2 REGISTERED with the state ~~grievance board~~ BOARD OF REGISTERED
3 ~~PSYCHOTHERAPISTS~~ pursuant to section 12-43-702.5.

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

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

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

9 ~~(a) Assessment, counseling activities, consultation, and referral;~~
10 ~~and~~

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

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

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

21 ~~(I) Those activities that assist the person receiving counseling in~~
22 ~~developing an understanding of personal, emotional, social, educational,~~
23 ~~alcohol and substance abuse, domestic violence, and vocational~~
24 ~~development and in planning and effecting actions to increase functioning~~
25 ~~or gain control of his or her behavior in such areas. Such activities~~
26 ~~include, but are not limited to, skill-building in communications,~~
27 ~~decision-making, and problem-solving, clarifying values, promoting~~

1 adaptation to loss and other life changes, developing social skills,
2 restructuring cognitive patterns, defining educational and career goals,
3 and facilitating adjustment to personal crises and conflicts.

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

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

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

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

24 **SECTION 54.** 12-43-602 (2) (a), the introductory portion to
25 12-43-602 (4) (b), and 12-43-602 (4) (b) (II), Colorado Revised Statutes,
26 are amended to read:

27 **12-43-602. State board of licensed professional counselor**

1 **examiners.** (2) (a) The members of the board shall be appointed by the
2 governor as follows:

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

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

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

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

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

22 **12-43-602.5. Practice of licensed professional counseling**
23 **defined.** (1) FOR PURPOSES OF THIS PART 6, "PRACTICE OF LICENSED
24 PROFESSIONAL COUNSELING" MEANS THE APPLICATION OF MENTAL
25 HEALTH, PSYCHOLOGICAL, OR HUMAN DEVELOPMENT PRINCIPLES
26 THROUGH COGNITIVE, AFFECTIVE, BEHAVIORAL, OR SYSTEMATIC
27 INTERVENTION STRATEGIES THAT ADDRESS WELLNESS, PERSONAL

1 GROWTH, OR CAREER DEVELOPMENT, AS WELL AS PATHOLOGY. A
2 LICENSED PROFESSIONAL COUNSELOR MAY RENDER THE APPLICATION OF
3 THESE PRINCIPLES TO INDIVIDUALS, COUPLES, FAMILIES, OR GROUPS.

- 4 (2) THE PRACTICE OF PROFESSIONAL COUNSELING MAY INCLUDE:
5 (a) EVALUATION;
6 (b) ASSESSMENT;
7 (c) TESTING;
8 (d) DIAGNOSIS;
9 (e) TREATMENT OR INTERVENTION;
10 (f) PLANNING;
11 (g) CONSULTATION;
12 (h) CASE MANAGEMENT;
13 (i) EDUCATION;
14 (j) SUPERVISION;
15 (k) PSYCHOTHERAPY;
16 (l) RESEARCH;
17 (m) REFERRAL; AND
18 (n) CRISIS INTERVENTION.

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

21 **12-43-604. Rights and privileges of licensure.** (1) Any person
22 who possesses a valid, unsuspended, and unrevoked ~~certificate~~ LICENSE
23 as a licensed professional counselor has the right to use the title for which
24 he or she is licensed pursuant to section 12-43-603. A LICENSED
25 professional counselor licensed pursuant to section 12-43-603 has the
26 right to use the abbreviation "LPC". No other person shall assume this
27 title or use this abbreviation on any work or letter, sign, figure, or device

1 to indicate that the person using the same is a licensed professional
2 counselor.

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

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

12 **SECTION 57.** 12-43-702 (1), (2), (3), (5), (6), and (7), Colorado
13 Revised Statutes, are amended to read:

14 **12-43-702. State board of registered psychotherapists -**
15 **creation - subject to termination.** (1) There is hereby created the state
16 ~~grievance~~ board OF REGISTERED PSYCHOTHERAPISTS, which shall be under
17 the supervision and control of the division of registrations as provided in
18 section 24-34-102, C.R.S. The ~~grievance~~ board shall consist of seven
19 members who are residents of the state of Colorado.

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

27 (3) ~~Three~~ FOUR members of the ~~grievance~~ board ~~shall~~ MUST be

1 ~~unlicensed~~ REGISTERED psychotherapists. ~~shall be appointed by~~ The
2 governor ~~and~~ shall APPOINT MEMBERS TO THE [REDACTED] BOARD TO serve terms
3 of four years.

4 (5) Members of the ~~grievance board~~ STATE BOARD OF REGISTERED
5 PSYCHOTHERAPISTS appointed under subsection (2) or (3) of this section
6 may serve two full consecutive terms.

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

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

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

27 (7) A majority of the ~~grievance~~ board shall constitute a quorum

1 for the transaction of all business.

2 **SECTION 58.** 12-43-709, Colorado Revised Statutes, is amended
3 to read:

4 **12-43-709. Expenses of the board.** All reasonable expenses of
5 the grievance board shall be paid as determined by the director of the
6 division of registrations from the fees collected pursuant to section
7 12-43-204 as provided by law.

8 **SECTION 59.** 12-43-710, Colorado Revised Statutes, is amended
9 to read:

10 **12-43-710. Jurisdiction.** If the licensee, registrant, ~~or unlicensed~~
11 ~~psychotherapist~~ OR CERTIFICATE HOLDER is regulated by more than one
12 board, the investigation or case being adjudicated shall be referred to the
13 board as determined APPROPRIATE by the director of ~~the division of~~
14 ~~registrations~~ for final adjudication.

15 **SECTION 60. Repeal.** 12-43-711, Colorado Revised Statutes,
16 is repealed as follows:

17 **12-43-711. Records.** ~~The grievance board shall maintain records~~
18 ~~of all cases considered and decisions rendered by said board.~~

19 **SECTION 61.** 12-43-803, Colorado Revised Statutes, is
20 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

21 **12-43-803. Practice of addiction counseling defined - scope of**
22 **practice.** (1) FOR THE PURPOSES OF THIS PART 8, "ADDICTION
23 COUNSELING" MEANS THE APPLICATION OF GENERAL COUNSELING
24 THEORIES AND TREATMENT METHODS ADAPTED SPECIFICALLY FOR
25 WORKING WITH ADDICTIVE AND OTHER BEHAVIORAL HEALTH DISORDERS.
26 ADDICTION COUNSELORS WORK IN A BROAD VARIETY OF DISCIPLINES BUT
27 SHARE AN UNDERSTANDING OF THE ADDICTIVE PROCESS. AN ADDICTION

1 COUNSELOR IDENTIFIES A VARIETY OF HELPING STRATEGIES THAT CAN BE
2 TAILORED TO MEET THE NEEDS OF THE CLIENT. ADDICTION COUNSELING
3 RELIES ON THE USE OF EVIDENCE-BASED PRACTICES THAT HAVE BEEN
4 SHOWN TO BE EFFECTIVE IN TREATING ADDICTIVE DISORDERS.

5 (2) THE SCOPE OF PRACTICE OF ADDICTION COUNSELING FOCUSES
6 ON THE FOLLOWING FOUR TRANS-DISCIPLINARY FOUNDATIONS THAT
7 UNDERLIE THE WORK OF ALL ADDICTION COUNSELORS:

8 (a) **Understanding addiction:** INCLUDES KNOWLEDGE OF
9 MODELS AND THEORIES OF ADDICTION; RECOGNITION OF SOCIAL,
10 POLITICAL, ECONOMIC, AND CULTURAL CONTEXTS WITHIN WHICH
11 ADDICTION EXISTS; UNDERSTANDING THE BEHAVIORAL, PSYCHOLOGICAL,
12 PHYSICAL HEALTH, AND SOCIAL EFFECTS OF USING ADDICTIVE SUBSTANCES
13 OR ENGAGING IN ADDICTIVE BEHAVIORS; AND RECOGNIZING AND
14 UNDERSTANDING CO-OCCURRING DISORDERS.

15 (b) **Treatment knowledge:** INCLUDES THE PHILOSOPHIES,
16 PRACTICES, POLICIES, AND OUTCOMES OF THE MOST GENERALLY ACCEPTED
17 AND SCIENTIFICALLY SUPPORTED MODELS, ALONG WITH RESEARCH AND
18 OUTCOME DATA, OF TREATMENT, RECOVERY, RELAPSE PREVENTION, AND
19 CONTINUING CARE FOR ADDICTIVE DISORDERS. TREATMENT KNOWLEDGE
20 INCLUDES THE ABILITY TO WORK EFFECTIVELY WITH FAMILIES,
21 SIGNIFICANT OTHERS, SOCIAL NETWORKS, AND COMMUNITY SYSTEMS IN
22 THE TREATMENT PROCESS AND UNDERSTANDING THE VALUE OF A
23 MULTIDISCIPLINARY APPROACH TO ADDICTION TREATMENT.

24 (c) **Application to practice:** INCLUDES THE ABILITY TO PROPERLY
25 DIAGNOSE BEHAVIORAL HEALTH DISORDERS USING APPROPRIATE
26 ASSESSMENT AND TESTING INSTRUMENTS AND PLACEMENT CRITERIA;
27 STABILIZATION TO REDUCE NEGATIVE EFFECTS OF PROBLEMATIC

1 BEHAVIORS; DEVELOPING HELPING STRATEGIES AND TREATMENT LEVELS
2 OF CARE BASED ON THE CLIENT'S STAGE OF READINESS FOR CHANGE;
3 CULTURAL COMPETENCY; AND FAMILIARITY WITH MEDICAL AND
4 PHARMACOLOGICAL RESOURCES FOR TREATMENT.

5 (d) **Professional readiness:** INCLUDES AN UNDERSTANDING OF
6 DIVERSE CULTURES; CULTIVATION OF A HIGH LEVEL OF SELF-AWARENESS;
7 ABILITY TO USE CRITICAL THINKING SKILLS; ADHERENCE TO ETHICAL
8 STANDARDS OF CONDUCT; ONGOING USE OF CLINICAL SUPERVISION AND
9 CONSULTATION; CRISIS MANAGEMENT; AND KNOWLEDGE OF THE
10 IMPORTANCE OF PREVENTION AND RECOVERY MANAGEMENT.

11 (3) THE PRIMARY PRACTICE DIMENSIONS OF ADDICTION
12 COUNSELING INCLUDE THE FOLLOWING COMPETENCIES, AS APPROPRIATE
13 BASED ON THE LEVEL OF CERTIFICATION OR LICENSURE AND SCOPE OF
14 PRACTICE:

15 (a) CLINICAL EVALUATION, INCLUDING SCREENING AND
16 ASSESSMENT;

17 (b) CLINICAL INTAKE, DISCHARGE, DISCHARGE PLANNING, AND
18 REFERRAL;

19 (c) TREATMENT PLANNING;

20 (d) SERVICE COORDINATION, INCLUDING CLIENT ADVOCACY,
21 CONTINUING CARE PLANNING, AND COLLABORATION WITH OTHER
22 BEHAVIORAL HEALTH PROFESSIONALS;

23 (e) COUNSELING OF INDIVIDUALS, GROUPS, FAMILIES, COUPLES,
24 AND SIGNIFICANT OTHERS;

25 (f) RECOVERY MANAGEMENT;

26 (g) CASE MANAGEMENT;

27 (h) CLIENT, FAMILY, AND COMMUNITY EDUCATION;

- 1 (i) DOCUMENTATION REQUIRED FOR A CLINICAL RECORD;
- 2 (j) PROFESSIONAL AND ETHICAL PRACTICES;
- 3 (k) CLINICAL SUPERVISION; AND
- 4 (l) INTERVENTION.

5 (4) **Scope of practice - licensed addiction counselors.** BASED
6 ON EDUCATION, TRAINING, KNOWLEDGE, AND EXPERIENCE, THE SCOPE OF
7 PRACTICE OF A LICENSED ADDICTION COUNSELOR INCLUDES BEHAVIORAL
8 HEALTH COUNSELING AND MAY INCLUDE THE TREATMENT OF SUBSTANCE
9 USE DISORDERS, ADDICTIVE BEHAVIORAL DISORDERS, AND CO-OCCURRING
10 DISORDERS, INCLUDING CLINICAL EVALUATION AND DIAGNOSIS,
11 TREATMENT PLANNING, SERVICE COORDINATION, CASE MANAGEMENT,
12 CLINICAL DOCUMENTATION, PROFESSIONAL AND ETHICAL
13 RESPONSIBILITIES, EDUCATION AND PSYCHOTHERAPY WITH CLIENTS,
14 FAMILY, AND COMMUNITY, CLINICAL SUPERVISORY RESPONSIBILITIES,
15 AND INTERVENTION.

16 **SECTION 62.** 12-43-804, Colorado Revised Statutes, is
17 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

18 **12-43-804. Requirements for licensure and certification -**
19 **rules.** (1) THE BOARD SHALL ISSUE A LICENSE AS AN ADDICTION
20 COUNSELOR TO AN APPLICANT WHO FILES AN APPLICATION IN THE FORM
21 AND MANNER REQUIRED BY THE BOARD, SUBMITS THE FEE REQUIRED BY
22 THE BOARD PURSUANT TO SECTION 12-43-204, AND SUBMITS EVIDENCE
23 SATISFACTORY TO THE BOARD THAT HE OR SHE:

- 24 (a) IS AT LEAST TWENTY-ONE YEARS OF AGE;
- 25 (b) IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE OR
- 26 ANY RULES PROMULGATED BY THE BOARD;
- 27 (c) HOLDS A MASTER'S OR DOCTORATE DEGREE IN THE

1 BEHAVIORAL HEALTH SCIENCES FROM AN ACCREDITED SCHOOL, COLLEGE,
2 OR UNIVERSITY OR AN EQUIVALENT PROGRAM AS DETERMINED BY THE
3 BOARD;

4 (d) DEMONSTRATES PROFESSIONAL COMPETENCE BY:

5 (I) PASSING A NATIONAL EXAMINATION DEMONSTRATING SPECIAL
6 KNOWLEDGE AND SKILLS IN BEHAVIORAL HEALTH DISORDERS COUNSELING
7 AS DETERMINED BY THE DIVISION OF BEHAVIORAL HEALTH IN THE
8 DEPARTMENT OF HUMAN SERVICES AND APPROVED BY THE BOARD; AND

9 (II) PASSING A JURISPRUDENCE EXAMINATION ADMINISTERED
10 BY THE DIVISION.

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

13 (f) HAS COMPLETED THE NUMBER OF CLOCK HOURS OF
14 ADDICTION-SPECIFIC TRAINING, AS SPECIFIED BY THE BOARD BY RULE,
15 INCLUDING TRAINING IN EVIDENCE-BASED TREATMENT APPROACHES,
16 CLINICAL SUPERVISION, ETHICS, AND CO-OCCURRING DISORDERS; AND

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

19 (2) THE BOARD SHALL ISSUE A CERTIFICATION AS AN ADDICTION
20 COUNSELOR TO AN APPLICANT WHO FILES AN APPLICATION IN THE FORM
21 AND MANNER REQUIRED BY THE BOARD, SUBMITS THE FEE REQUIRED BY
22 THE BOARD PURSUANT TO SECTION 12-43-204, AND SUBMITS EVIDENCE
23 SATISFACTORY TO THE BOARD THAT HE OR SHE:

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

25 (b) IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE OR
26 ANY RULES PROMULGATED BY THE BOARD OR BY THE STATE BOARD OF
27 HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO

1 SECTION 27-80-108 (1) (e), C.R.S.:

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

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

10 (4) NOTHING IN THIS PART 8 PREVENTS MEMBERS OF OTHER
11 PROFESSIONS LICENSED UNDER THE LAWS OF THIS STATE FROM RENDERING
12 SERVICES WITHIN THEIR SCOPE OF PRACTICE AS SET FORTH IN THE
13 STATUTES REGULATING THEIR PROFESSIONAL PRACTICES SO LONG AS THEY
14 DO NOT REPRESENT THEMSELVES TO BE CERTIFIED OR LICENSED
15 ADDICTION COUNSELORS.

16 **SECTION 63.** Part 8 of article 43 of title 12, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
18 read:

19 **12-43-804.5. Rights and privileges of certification and**
20 **licensure.** (1) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND
21 UNREVOKED CERTIFICATE AS A LEVEL I, II, OR III CERTIFIED ADDICTION
22 COUNSELOR HAS THE RIGHT TO PRACTICE ADDICTION COUNSELING UNDER
23 SUPERVISION OR CONSULTATION AS REQUIRED BY THE RULES OF THE STATE
24 BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES; A
25 LEVEL III CERTIFIED ADDICTION COUNSELOR HAS THE RIGHT TO SUPERVISE
26 ADDICTION COUNSELING PRACTICE; AND ALL LEVELS OF CERTIFICATION
27 HAVE THE RIGHT TO USE THE TITLE "CERTIFIED ADDICTION COUNSELOR"

1 AND THE ABBREVIATIONS "CAC I", "CAC II", OR "CAC III", AS
2 APPLICABLE. NO OTHER PERSON SHALL ASSUME THESE TITLES OR USE
3 THESE ABBREVIATIONS ON ANY WORK OR MEDIA TO INDICATE THAT THE
4 PERSON USING THE TITLE OR ABBREVIATION IS A CERTIFIED ADDICTION
5 COUNSELOR.

6 (2) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND
7 UNREVOKED LICENSE AS AN ADDICTION COUNSELOR HAS THE RIGHT TO
8 PRACTICE ADDICTION COUNSELING AND TO USE THE TITLE "LICENSED
9 ADDICTION COUNSELOR" OR THE ABBREVIATION "LAC". NO OTHER
10 PERSON SHALL ASSUME THESE TITLES OR USE THESE ABBREVIATIONS ON
11 ANY WORK OR MEDIA TO INDICATE THAT THE PERSON USING THE TITLE OR
12 ABBREVIATION IS A LICENSED ADDICTION COUNSELOR.

13 **SECTION 64.** 12-43-805 (1), (2) (a), and (3), Colorado Revised
14 Statutes, are amended to read:

15 **12-43-805. Continuing professional competency - rules -**
16 **repeal.** (1) (a) In accordance with sections 12-43-803 and 12-43-804,
17 the ~~director~~ BOARD issues a license or certificate to practice addiction
18 counseling based on whether the applicant satisfies minimum educational
19 and experience requirements that demonstrate professional competency
20 to practice addiction counseling. After a license or a certificate as a level
21 II or level III addiction counselor is issued to an applicant, the licensed or
22 level II or level III certified addiction counselor shall maintain continuing
23 professional competency to practice addiction counseling.

24 (b) The ~~director~~ BOARD, in consultation with the ~~alcohol and drug~~
25 ~~abuse~~ division OF BEHAVIORAL HEALTH in the department of human
26 services and other stakeholders, shall adopt rules establishing a
27 continuing professional competency program that includes, at a minimum,

1 the following elements:

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

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

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

13 (c) ~~The director shall establish that~~ A licensed or level II or level
14 III certified addiction counselor ~~is deemed to satisfy~~ SATISFIES the
15 continuing competency requirements of this section if the licensed or
16 level II or level III certified addiction counselor meets the continued
17 professional competence requirements of one of the following entities:

18 (I) A state department, including continued professional
19 competence requirements imposed through a contractual arrangement
20 with a provider;

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

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

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

27 (II) The requirements of this section apply to individual addiction

1 counselors who are licensed or level II or level III certified pursuant to
2 this part 8, and nothing in this section shall be construed to require a
3 person who employs or contracts with a licensed or level II or level III
4 certified addiction counselor to comply with the requirements of this
5 section.

6 (2) (a) Records of assessments or other documentation developed
7 or submitted in connection with the continuing professional competency
8 program are confidential and not subject to inspection by the public or
9 discovery in connection with a civil action against a licensed or certified
10 addiction counselor. The records or documents shall be used only by the
11 board for purposes of determining whether a licensed or level II or level
12 III certified addiction counselor is maintaining continuing professional
13 competency to engage in the profession.

14 (3) As used in this section, "continuing professional competency"
15 means the ongoing ability of a licensed or level II or level III certified
16 addiction counselor to learn, integrate, and apply the knowledge, skill,
17 and judgment to practice as an addiction counselor according to generally
18 accepted industry standards and professional ethical standards in a
19 designated role and setting.

20 **SECTION 65.** The introductory portion to 10-16-104 (5) and
21 10-16-104 (5) (b) (III), Colorado Revised Statutes, are amended to read:

22 **10-16-104. Mandatory coverage provisions - definitions.**

23 **(5) Mental illness.** Every small group policy providing hospitalization
24 or medical benefits by an entity subject to the provisions of part 2 or 3 of
25 this article shall MUST provide benefits for conditions arising from mental
26 illness at least equal to the following:

27 **(b) (III) For purposes of this subsection (5), "licensed clinical**

1 social worker" means a person who is licensed as a clinical social worker
2 under part 4 of article 43 of title 12, C.R.S., and who has at least five
3 years of experience in psychotherapy, as defined in section ~~12-43-701 (3)~~
4 12-43-201, C.R.S., under appropriate supervision, beyond a master's
5 degree; "licensed professional counselor" means a person who is licensed
6 as a professional counselor under part 6 of article 43 of title 12, C.R.S.,
7 and who has at least five years of experience in psychotherapy, as defined
8 in section ~~12-43-701 (3)~~ 12-43-201, C.R.S., under appropriate
9 supervision, beyond a master's degree; and "licensed marriage and family
10 therapist" means a person who is licensed as a marriage and family
11 therapist under part 5 of article 43 of title 12, C.R.S., and who has at least
12 five years of experience in psychotherapy, as defined in section
13 ~~12-43-701 (3)~~ 12-43-201, C.R.S., under appropriate supervision, beyond
14 a master's degree.

15

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16 **SECTION 66.** The introductory portion to 13-4-102 (2) and
17 13-4-102 (2) (s), Colorado Revised Statutes, are amended to read:

18 **13-4-102. Jurisdiction.** (2) The court of appeals ~~shall have~~ HAS
19 initial jurisdiction to:

20 (s) Review final actions and orders of the boards, as defined in
21 section 12-43-201 (1), C.R.S., that are appropriate for judicial review and
22 final actions; ~~and orders of the director of the division of registrations~~
23 ~~pertaining to addiction counselors pursuant to part 8 of article 43 of title~~
24 ~~12, C.R.S., that are appropriate for judicial review;~~

25 **SECTION 67.** 13-21-115.5 (3) (c) (II) (P) and (3) (c) (II) (S),
26 Colorado Revised Statutes, are amended to read:

27 **13-21-115.5. Volunteer service act - immunity - exception for**

1 **operation of motor vehicles.** (3) As used in this section, unless the
2 context otherwise requires:

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

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

9 (S) A licensed or certified addiction counselor governed by ~~the~~
10 ~~provisions of~~ article 43 of title 12, C.R.S., performing addiction
11 counseling, as defined in section ~~12-43-802~~ 12-43-803, C.R.S., as a
12 volunteer for a nonprofit organization, a nonprofit corporation, a
13 governmental entity, or a hospital.

14 **SECTION 68.** 13-90-107 (1) (g), Colorado Revised Statutes, is
15 amended to read:

16 **13-90-107. Who may not testify without consent.** (1) There are
17 particular relations in which it is the policy of the law to encourage
18 confidence and to preserve it inviolate; therefore, a person shall not be
19 examined as a witness in the following cases:

20 (g) A licensed psychologist, professional counselor, marriage and
21 family therapist, social worker, ~~unlicensed~~ OR ADDICTION COUNSELOR, A
22 REGISTERED psychotherapist, or ~~licensed~~ A CERTIFIED addiction counselor
23 shall not be examined without the consent of ~~such~~ THE licensee's,
24 CERTIFICATE HOLDER'S, or ~~unlicensed psychotherapist's~~ REGISTRANT'S
25 client as to any communication made by the client to ~~such~~ THE licensee,
26 ~~or unlicensed psychotherapist~~ CERTIFICATE HOLDER, OR REGISTRANT or
27 ~~such~~ THE licensee's, CERTIFICATE HOLDER'S, or ~~unlicensed~~

1 ~~psychotherapist's~~ REGISTRANT'S advice given ~~thereon~~ in the course of
2 professional employment; nor shall any secretary, stenographer, or clerk
3 employed by a licensed psychologist, professional counselor, marriage
4 and family therapist, social worker, ~~unlicensed~~ OR ADDICTION
5 COUNSELOR, A REGISTERED psychotherapist, or ~~licensed~~ A CERTIFIED
6 addiction counselor be examined without the consent of the employer of
7 ~~such~~ THE secretary, stenographer, or clerk concerning any fact, the
8 knowledge of which ~~such~~ THE employee has acquired in such capacity;
9 nor shall any person who has participated in any psychotherapy,
10 conducted under the supervision of a person authorized by law to conduct
11 such therapy, including ~~but not limited to~~ group therapy sessions, be
12 examined concerning any knowledge gained during the course of such
13 therapy without the consent of the person to whom the testimony sought
14 relates.

15 **SECTION 69.** The introductory portion to 18-3-405.5 (4) and
16 18-3-405.5 (4) (b), Colorado Revised Statutes, are amended to read:

17 **18-3-405.5. Sexual assault on a client by a psychotherapist.**

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

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

24 **SECTION 70.** The introductory portion to 19-1-307 (2) (e.5) (I)
25 and 19-1-307 (2) (e.5) (I) (G), Colorado Revised Statutes, are amended
26 to read:

27 **19-1-307. Dependency and neglect records and information -**

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

6 (e.5) (I) A mandatory reporter specified in this subparagraph (I)
7 who is and continues to be officially and professionally involved in the
8 ongoing care of the child who was the subject of the report, but only with
9 regard to information that the mandatory reporter has a need to know in
10 order to fulfill his or her professional and official role in maintaining the
11 child's safety. A county department may request written affirmation from
12 a mandatory reporter stating that the reporter continues to be officially
13 and professionally involved in the ongoing care of the child who was the
14 subject of the report and describing the nature of the involvement. This
15 subparagraph (I) ~~shall apply~~ APPLIES to:

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

17 **SECTION 71.** The introductory portion to 19-3-304 (2) and
18 19-3-304 (2) (z), Colorado Revised Statutes, are amended to read:

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

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

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

23 **SECTION 72.** 24-1-122 (3) (II), Colorado Revised Statutes, is
24 amended, and the said 24-1-122 (3) is further amended BY THE
25 ADDITION OF A NEW PARAGRAPH, to read:

26 **24-1-122. Department of regulatory agencies - creation.**

27 (3) The following boards and agencies are transferred by a **type 1**

1 transfer to the department of regulatory agencies and allocated to the
2 division of registrations:

3 (ll) State grievance board OF REGISTERED PSYCHOTHERAPISTS,
4 created by part 7 of article 43 of title 12, C.R.S.

5 (mm) STATE BOARD OF ADDICTION COUNSELOR EXAMINERS,
6 CREATED BY PART 8 OF ARTICLE 43 OF TITLE 12, C.R.S.

7 **SECTION 73.** 24-34-105 (2) (b) (I), Colorado Revised Statutes,
8 is amended to read:

9 **24-34-105. Fee adjustments - division of registrations cash**
10 **fund created - legal defense account.** (2) (b) (I) Based upon the
11 appropriation made and subject to the approval of the executive director
12 of the department of regulatory agencies, each board or commission shall
13 adjust its fees so that the revenue generated from said fees approximates
14 its direct and indirect costs; except that the costs of the state board of
15 psychologist examiners, the state board of marriage and family therapist
16 examiners, the state board of licensed professional counselor examiners,
17 the state board of social work examiners, and the state grievance board OF
18 REGISTERED PSYCHOTHERAPISTS, AND THE STATE BOARD OF ADDICTION
19 COUNSELOR EXAMINERS shall be considered collectively in the renewal
20 fee-setting process. Subsequent revenue generated by the fees set by such
21 boards plus revenues generated pursuant to section 12-43-702.5, C.R.S.,
22 shall be compared to those collective costs to determine recovery of direct
23 and indirect costs. Such fees shall remain in effect for the fiscal year for
24 which the budget request applies. All fees collected by each board and
25 commission, not including any fees retained by contractors as established
26 pursuant to the provisions of section 24-34-101 (10), shall be transmitted
27 to the state treasurer, who shall credit the same to the division of

1 registrations cash fund, which fund is hereby created. All moneys
2 credited to the division of registrations cash fund shall be used as
3 provided in this section and shall not be deposited in or transferred to the
4 general fund of this state or any other fund.

5 **SECTION 74.** 24-34-110 (3) (a) (XVII), (3) (a) (XVIII), and (3)
6 (b), Colorado Revised Statutes, are amended, and the said 24-34-110 (3)
7 (a) is further amended BY THE ADDITION OF A NEW
8 SUBPARAGRAPH, to read:

9 **24-34-110. Medical transparency act of 2010 - disclosure of**
10 **information about health care licensees - fines - rules - short title -**
11 **legislative declaration.** (3) (a) As used in this section, "applicant"
12 means a person applying for a new, active license, certification, or
13 registration or to renew, reinstate, or reactivate an active license,
14 certification, or registration to practice:

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

17 ~~(XVIII) Addiction counseling pursuant to part 8 of article 43 of~~
18 ~~title 12, C.R.S.~~ PSYCHOTHERAPY PURSUANT TO PART 7 OF ARTICLE 43 OF
19 TITLE 12, C.R.S.; AND

20 (XIX) ADDICTION COUNSELING PURSUANT TO PART 8 OF ARTICLE
21 43 OF TITLE 12, C.R.S.

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

25 **SECTION 75.** 27-65-105 (1) (a) (II) (D), Colorado Revised
26 Statutes, is amended to read:

27 **27-65-105. Emergency procedure.** (1) Emergency procedure

1 may be invoked under either one of the following two conditions:

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

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

12 **SECTION 76.** The introductory portion to 30-10-606 (6) (a) and
13 30-10-606 (6) (a) (II), Colorado Revised Statutes, are amended to read:

14 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**
15 **certificate of death.** (6) (a) Notwithstanding ~~the provisions of~~ sections
16 12-43-218 and 13-90-107 (1) (d) or (1) (g), C.R.S., the coroner holding
17 an inquest or investigation pursuant to this section has the authority to
18 request and receive a copy of:

19 (II) Any information, record, or report related to treatment,
20 consultation, counseling, or therapy services from any licensed
21 psychologist, professional counselor, marriage and family therapist, social
22 worker, OR addiction counselor, CERTIFIED ADDICTION COUNSELOR, or
23 ~~unlicensed~~ REGISTERED psychotherapist if ~~such~~ THE report, record, or
24 information is relevant to the inquest or investigation.

25 **SECTION 77. Appropriation.** (1) In addition to any other
26 appropriation, there is hereby appropriated, out of any moneys in the
27 division of registrations cash fund created in section 24-34-105 (2) (b) (I),

1 Colorado Revised Statutes, not otherwise appropriated, to the department
2 of regulatory agencies, for allocation to the executive director's office, for
3 the fiscal year beginning July 1, 2011, the sum of two hundred
4 seventy-one thousand eighty-eight dollars (\$271,088) cash funds, or
5 so much thereof as may be necessary, to be allocated as follows:

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

7 (b) \$95,000 for information technology asset maintenance.

8 (2) In addition to any other appropriation, there is hereby
9 appropriated, out of any moneys in the division of registrations cash fund
10 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
11 otherwise appropriated, to the department of regulatory agencies, for
12 allocation to the division of registrations, for personal services and
13 operating expenses, for the fiscal year beginning July 1, 2011, the sum of
14 two hundred sixty-one thousand five hundred forty dollars (\$261,540)
15 cash funds and 3.4 FTE, or so much thereof as may be necessary, for
16 the implementation of this act.

17 (3) In addition to any other appropriation, there is hereby
18 appropriated to the department of law, for the fiscal year beginning July
19 1, 2011, the sum of one hundred seventy-six thousand eighty-eight dollars
20 (\$176,088) and 1.4 FTE, or so much thereof as may be necessary, for the
21 provision of legal services to the department of regulatory agencies
22 related to the implementation of this act. Said sum shall be from
23 reappropriated funds received from the department of regulatory agencies
24 out of the appropriation made in subsection (1) of this section.

25 **SECTION 78. Effective date.** This act shall take effect July 1,
26 2011.

27 **SECTION 79. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.