

HOUSE JOURNAL
SIXTY-EIGHTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Thirtieth Legislative Day

Thursday, February 10, 2011

1 Prayer by Dr. Gary Bowser, First Baptist Church, Denver.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 Pledge of Allegiance led by Michael Danne, Leni Sutton, Farrah Kedrie,
6 Monica Wood from Denver School of Nursing.

7

8 The roll was called with the following result:

9

10 Present--64.

11 Excused--Representative(s) Fields--1.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Conti, the reading of the journal of
17 February 9, 2011, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

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21

22 **CONSIDERATION OF RESOLUTION(S)**

23

24 **HJR11-1010** by Representative(s) Nikkel, Fischer, Kefalas, DelGrosso;
25 also Senator(s) Bacon, Lundberg--Concerning recognition
26 of and appreciation for 141 years of education, research,
27 and service by the Colorado State University System.

28

29 (Printed and placed in members' file.)

30

31 On motion of Representative Nikkel, the resolution was read at length and
32 **adopted by viva voce** vote.

33

34 Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer,
35 Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram,
36 Court, Duran, Ferrandino, Gardner B., Gardner D., Gerou, Hamner, Holbert,
37 Hullinghorst, Jones, Joshi, Kagan, Kerr A., Kerr J., Labuda, Lee, Levy, Liston,
38 Looper, Massey, McCann, McKinley, Miklosi, Murray, Pabon, Pace, Peniston,
39 Priola, Ramirez, Riesberg, Ryden, Schafer S., Scott, Solano, Sonnenberg,
40 Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vaad,
41 Vigil, Waller, Williams A., Wilson, Speaker.

42

43

MESSAGE(S) FROM THE SENATE

The Senate has adopted and transmits herewith: SJR11-013 and SJR11-014.

**INTRODUCTION AND CONSIDERATION
OF RESOLUTION(S)**

On motion of Representative Stephens, the rules were suspended and the following resolutions were given immediate consideration.

SJR11-013 by Senator(s) Nicholson; also Representative(s) DelGrosso--Concerning recognition of community mental health centers and behavioral health organizations in Colorado.

(Printed and placed in member's file).

On motion of Representative DelGrosso, the resolution was read at length and **adopted** by **viva voce** vote.

Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer, Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram, Court, Duran, Ferrandino, Fischer, Gardner B., Gardner D., Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Miklosi, Murray, Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Riesberg, Ryden, Schafer S., Scott, Solano, Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Speaker.

SJR11-014 by Senator(s) Heath, King K., Steadman; also Representative(s) Summers and Miklosi--Concerning recognition of Career and Technical Education Month.

On motion of Representative Summers, the resolution was read at length and **adopted** by **viva voce** vote.

Current Roll Call added as co-sponsor(s): Representative(s) Acree, Balmer, Barker, Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram, Court, DelGrosso, Duran, Ferrandino, Fischer, Gardner B., Gardner D., Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Murray, Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Riesberg, Ryden, Schafer S., Scott, Solano, Sonnenberg, Soper, Stephens, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Waller, Williams A., Wilson, Speaker.

THIRD READING OF BILL(S)--FINAL PASSAGE

The following bill(s) was(were) considered on Third Reading. The title(s) was(were) publicly read. Reading of the bill at length was dispensed with by unanimous consent.

HB11-1087 by Representative(s) Vigil; also Senator(s) Giron-- Concerning reimbursement to county governments for charges incurred in pest control operations undertaken by the county.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

	YES	64	NO	0	EXCUSED	1	ABSENT	0
Acree	Y	Fischer	Y	Liston	Y	Scott	Y	
Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y	
Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y	
Baumgardner	Y	Gerou	Y	McCann	Y	Soper	Y	
Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y	
Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y	
Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y	
Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y	
Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y	
Conti	Y	Kagan	Y	Pace	Y	Todd	Y	
Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y	
Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y	
DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y	
Duran	Y	Labuda	Y	Riesberg	Y	Waller	Y	
Ferrandino	Y	Lee	Y	Ryden	Y	Williams A.	Y	
Fields	E	Levy	Y	Schafer S.	Y	Wilson	Y	
						Speaker	Y	

Co-sponsor(s) added: Representative(s) Pace, Speaker.

HB11-1115 by Representative(s) Priola and Soper, Brown, Casso, Gardner B., Kerr A., Liston, Looper, Peniston, Ramirez, Riesberg, Scott, Solano, Swalm, Swerdfeger, Szabo, Wilson; also Senator(s) Tochtrop, Cadman, Jahn, Kopp, Renfroe--Concerning the payment of retainage in construction contracts involving public entities.

The question being "Shall the bill pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

	YES	61	NO	3	EXCUSED	1	ABSENT	0
Acree	Y	Fischer	Y	Liston	Y	Scott	Y	
Balmer	Y	Gardner B.	Y	Looper	Y	Solano	Y	
Barker	Y	Gardner D.	Y	Massey	Y	Sonnenberg	Y	
Baumgardner	Y	Gerou	Y	McCann	N	Soper	Y	
Becker	Y	Hamner	Y	McKinley	Y	Stephens	Y	
Beezley	Y	Holbert	Y	Miklosi	Y	Summers	Y	
Bradford	Y	Hullinghorst	Y	Murray	Y	Swalm	Y	

1	Brown	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
2	Casso	Y	Joshi	Y	Pabon	Y	Szabo	Y
3	Conti	Y	Kagan	Y	Pace	Y	Todd	Y
4	Coram	Y	Kefalas	Y	Peniston	Y	Tyler	Y
5	Court	Y	Kerr A.	Y	Priola	Y	Vaad	Y
6	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
7	Duran	Y	Labuda	N	Riesberg	Y	Waller	Y
8	Ferrandino	N	Lee	Y	Ryden	Y	Williams A.	Y
9	Fields	E	Levy	Y	Schafer S.	Y	Wilson	Y
10							Speaker	Y

11 Co-sponsor(s) added: Representative(s) Barker, Conti, Fischer, Kefalas, Kerr J.,
12 Lee, Tyler, Vaad, Waller, Williams A.

13
14 **HB11-1007** by Representative(s) Bradford; also Senator(s) King S.--
15 Concerning employees of Mesa state college.

16
17 The question being "Shall the bill pass?".

18 A roll call vote was taken. As shown by the following recorded vote, a
19 majority of those elected to the House voted in the affirmative and the bill
20 was declared **passed**.

21	YES	33	NO	31	EXCUSED	1	ABSENT	0
23	Acree	Y	Fischer	N	Liston	Y	Scott	Y
24	Balmer	Y	Gardner B.	Y	Looper	Y	Solano	N
25	Barker	Y	Gardner D.	N	Massey	Y	Sonnenberg	Y
26	Baumgardner	Y	Gerou	Y	McCann	N	Soper	N
27	Becker	Y	Hamner	N	McKinley	N	Stephens	Y
28	Beezley	Y	Holbert	Y	Miklosi	N	Summers	Y
29	Bradford	Y	Hullinghorst	N	Murray	Y	Swalm	Y
30	Brown	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
31	Casso	N	Joshi	Y	Pabon	N	Szabo	Y
32	Conti	Y	Kagan	N	Pace	N	Todd	N
33	Coram	Y	Kefalas	N	Peniston	N	Tyler	N
34	Court	N	Kerr A.	N	Priola	Y	Vaad	Y
35	DelGrosso	Y	Kerr J.	Y	Ramirez	Y	Vigil	N
36	Duran	N	Labuda	N	Riesberg	N	Waller	Y
37	Ferrandino	N	Lee	N	Ryden	N	Williams A.	N
38	Fields	E	Levy	N	Schafer S.	N	Wilson	N
39							Speaker	Y

40 Co-sponsor(s) added: Representative(s) Barker, Brown, Gerou, Holbert, Kerr J.,
41 Liston, Murray, Nikkel, Priola, Ramirez, Scott, Stephens, Swalm, Speaker.

42 43 44 45 **REPORT(S) OF COMMITTEE(S) OF REFERENCE**

46 **FINANCE**

47 After consideration on the merits, the Committee recommends the
48 following:

49
50 **HB11-1008** be postponed indefinitely.

51
52
53
54 **HB11-1045** be amended as follows, and as so amended, be referred to
55 the Committee on Appropriations with favorable
56 recommendation:

1 Amend printed bill, page 3, line 5, strike "11-____," and substitute
2 "11-1045,".

3
4 Page 10, line 3, strike "amended to" and substitute "amended, and the said
5 39-22-532 is further amended BY THE ADDITION OF A NEW
6 SUBSECTION, to".

7
8 Page 10, line 5, strike "**definitions.**" and substitute "**definitions -
9 repeal.**".

10
11 Page 10, after line 14 insert:

12
13 "(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011, UNLESS
14 THE APPROPRIATIONS COMMITTEE IN EITHER CHAMBER OF THE GENERAL
15 ASSEMBLY HAS IDENTIFIED EQUIVALENT DECREASES IN TAX EXPENDITURES
16 OR OTHER OFFSETS TO THE GENERAL FUND OR HAS SPECIFICALLY
17 IDENTIFIED EQUIVALENT INCREASES IN REVENUE TO OFFSET THE
18 CONTINUATION OF THE COLORADO INNOVATION INVESTMENT TAX CREDIT
19 BY HOUSE BILL 11-1045, ENACTED IN 2011, FOR THE NEXT STATE FISCAL
20 YEAR AND FOR ANY OTHER STATE FISCAL YEAR THAT THE TAX CREDIT
21 WOULD BE AVAILABLE. FOR PURPOSES OF THIS SECTION, "TAX
22 EXPENDITURE" MEANS, WITHOUT LIMITATION, A DEDUCTION FROM
23 TAXABLE INCOME, A TAX CREDIT, A TAX EXEMPTION, THE LOWERING OF A
24 TAX RATE, THE ELIMINATION OF A TAX, OR THE ELIMINATION OR
25 REDUCTION OF A FEE.".

26

27

28

29 **HB11-1056** be amended as follows, and as so amended, be referred to
30 the Committee on Appropriations with favorable
31 recommendation:

32

33 Amend printed bill, page 4, line 11, strike "DEPARTMENT OF" and
34 substitute "DEPARTMENT, OFFICE, AGENCY, AND INSTITUTION OF HIGHER
35 EDUCATION IN".

36

37 Page 4, strike line 12 and substitute "GOVERNMENT AND TO EACH OFFICE
38 AND AGENCY IN THE JUDICIAL DEPARTMENT".

39

40 Page 4, line 13, strike "AGENCY THEREOF,".

41

42 Page 4, line 27, strike "AND AGENCIES," and substitute "AGENCIES, AND
43 INSTITUTIONS OF HIGHER EDUCATION".

44

45 Page 5, line 15, strike "AND AGENCIES," and substitute "AGENCIES, AND
46 INSTITUTIONS OF HIGHER EDUCATION".

47

48 Page 5, line 23, strike "OR AGENCY" and substitute "AGENCY, OR
49 INSTITUTION OF HIGHER EDUCATION".

50

51 Page 5, line 26, strike "OR AGENCY" and substitute "AGENCY, OR
52 INSTITUTION OF HIGHER EDUCATION".

53

54 Page 6, line 1, strike "OR AGENCY" and substitute "AGENCY, OR
55 INSTITUTION OF HIGHER EDUCATION".

56

1 Page 6, line 3, strike "OR AGENCY" and substitute "AGENCY, OR
2 INSTITUTION OF HIGHER EDUCATION".

3
4 Page 6, line 6, strike "OR AGENCY" and substitute "AGENCY, OR
5 INSTITUTION OF HIGHER EDUCATION".

6
7 Page 6, line 8, strike "OR AGENCY" and substitute "AGENCY, OR
8 INSTITUTION OF HIGHER EDUCATION".

9
10 Page 6, line 10, strike "OR".

11
12 Page 6, line 11, strike "AGENCY" and substitute "AGENCY, OR INSTITUTION
13 OF HIGHER EDUCATION".

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18 **HEALTH & ENVIRONMENT**

19 After consideration on the merits, the Committee recommends the
20 following:

21
22 **HB11-1119** be amended as follows, and as so amended, be referred to
23 the Committee on Appropriations with favorable
24 recommendation:

25
26 Amend printed bill, strike everything below the enacting clause and
27 substitute:

28
29 **"SECTION 1.** Part 1 of article 33 of title 12, Colorado Revised
30 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
31 read:

32 **12-33-112.3. Five-point NADA auricular acupuncture protocol**
33 **- chiropractors - definitions.** (1) A CHIROPRACTOR LICENSED PURSUANT
34 TO THIS PART 1 WHO HAS SUCCESSFULLY COMPLETED THE NATIONAL
35 ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING MAY PERFORM
36 FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL ON A PATIENT
37 WHO HAS BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY, MENTAL
38 HEALTH, OR BEHAVIORAL HEALTH CONDITION BY A PERSON WHO IS
39 LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY
40 AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY,
41 MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM.

42
43 (2) AS USED IN THIS SECTION, "FIVE-POINT NADA AURICULAR
44 ACUPUNCTURE PROTOCOL" MEANS THE SUBCUTANEOUS INSERTION OF
45 STERILE, DISPOSABLE ACUPUNCTURE NEEDLES IN FIVE CONSISTENT,
46 PREDETERMINED BILATERAL LOCATIONS IN THE OUTER EAR.

47
48 **SECTION 2.** 12-36-106, Colorado Revised Statutes, is amended
49 BY THE ADDITION OF A NEW SUBSECTION to read:

50
51 **12-36-106. Practice of medicine defined - exemptions from**
52 **licensing requirements - unauthorized practice by physician**
53 **assistants - acupuncture - penalties - rules - definition - repeal.**
54 (5.5) (a) A PHYSICIAN LICENSED PURSUANT TO THIS PART 1 WHO HAS
55 SUCCESSFULLY COMPLETED THE NATIONAL ACUPUNCTURE
56 DETOXIFICATION ASSOCIATION TRAINING MAY PERFORM FIVE-POINT

1 NADA AURICULAR ACUPUNCTURE PROTOCOL ON A PERSON WHO HAS
2 BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY, MENTAL HEALTH, OR
3 BEHAVIORAL HEALTH CONDITION BY A PERSON WHO IS LICENSED TO
4 DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY AND
5 SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY, MENTAL
6 HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM.

7
8 (b) AS USED IN THIS SECTION, "FIVE-POINT NADA AURICULAR
9 ACUPUNCTURE PROTOCOL" MEANS THE SUBCUTANEOUS INSERTION OF
10 STERILE, DISPOSABLE ACUPUNCTURE NEEDLES IN FIVE CONSISTENT,
11 PREDETERMINED BILATERAL LOCATIONS IN THE OUTER EAR.

12
13 **SECTION 3.** 12-36-107.4, Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW SUBSECTION to read:

15
16 **12-36-107.4. Physician assistant license - qualifications -**
17 **acupuncture - definitions.** (7) (a) A PHYSICIAN ASSISTANT LICENSED
18 PURSUANT TO THIS PART 1 WHO HAS SUCCESSFULLY COMPLETED THE
19 NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING MAY
20 PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL ON A
21 PATIENT WHO HAS BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY,
22 MENTAL HEALTH, OR BEHAVIORAL HEALTH CONDITION BY A PERSON WHO
23 IS LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY
24 AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY,
25 MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM. A
26 PHYSICIAN ASSISTANT SHALL ONLY PERFORM THE PROTOCOL UNDER THE
27 INDIRECT SUPERVISION OF AN NADA-CERTIFIED ACUPUNCTURIST, AN
28 NADA-CERTIFIED PHYSICIAN, OR A REGISTERED NADA TRAINER.

29
30 (b) AS USED IN THIS SECTION:

31
32 (I) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"
33 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE
34 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL
35 LOCATIONS IN THE OUTER EAR.

36
37 (II) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT
38 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE
39 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES
40 REQUIRE THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE
41 AND CONSENT OF THE SUPERVISOR.

42
43 **SECTION 4.** Part 1 of article 38 of title 12, Colorado Revised
44 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
45 read:

46 **12-38-111.3. Five-point NADA auricular acupuncture protocol**
47 **- nurses - definitions.** (1) A PROFESSIONAL OR PRACTICAL NURSE
48 LICENSED PURSUANT TO THIS PART 1 WHO HAS SUCCESSFULLY COMPLETED
49 THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING
50 MAY PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL
51 ON A PATIENT WHO HAS BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY,
52 MENTAL HEALTH, OR BEHAVIORAL HEALTH CONDITION BY A PERSON WHO
53 IS LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY
54 AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY,
55 MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM. A
56 PROFESSIONAL OR PRACTICAL NURSE SHALL ONLY PERFORM THE

1 PROTOCOL UNDER THE INDIRECT SUPERVISION OF AN NADA-CERTIFIED
2 ACUPUNCTURIST, AN NADA-CERTIFIED PHYSICIAN, OR A REGISTERED
3 NADA TRAINER.

4

5 (2) AS USED IN THIS SECTION:

6

7 (a) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"
8 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE
9 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL
10 LOCATIONS IN THE OUTER EAR.

11

12 (b) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT
13 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE
14 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES
15 REQUIRE THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE
16 AND CONSENT OF THE SUPERVISOR.

17

18 **SECTION 5.** Article 42 of title 12, Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW SECTION to read:

20

21 **12-42-107.5. Five-point NADA auricular acupuncture protocol**
22 **- psychiatric technicians - definitions.** (1) A PSYCHIATRIC TECHNICIAN
23 LICENSED PURSUANT TO THIS ARTICLE WHO HAS SUCCESSFULLY
24 COMPLETED THE NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION
25 TRAINING MAY PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE
26 PROTOCOL ON A PATIENT WHO HAS BEEN DIAGNOSED WITH A CHEMICAL
27 DEPENDENCY, MENTAL HEALTH, OR BEHAVIORAL HEALTH CONDITION BY
28 A PERSON WHO IS LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED
29 EXCLUSIVELY AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL
30 DEPENDENCY, MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT
31 PROGRAM. A PSYCHIATRIC TECHNICIAN SHALL ONLY PERFORM THE
32 PROTOCOL UNDER THE INDIRECT SUPERVISION OF AN NADA-CERTIFIED
33 ACUPUNCTURIST, AN NADA-CERTIFIED PHYSICIAN, OR A REGISTERED
34 NADA TRAINER.

35

36 (2) AS USED IN THIS SECTION:

37

38 (a) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"
39 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE
40 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL
41 LOCATIONS IN THE OUTER EAR.

42

43 (b) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT
44 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE
45 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES
46 REQUIRE THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE
47 AND CONSENT OF THE SUPERVISOR.

48

49 **SECTION 6.** Part 2 of article 43 of title 12, Colorado Revised
50 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
51 read:

52

53 **12-43-207.5. Five-point NADA auricular acupuncture protocol**
54 **- mental health professionals - definitions.** (1) A PSYCHOLOGIST,
55 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED
56 PROFESSIONAL COUNSELOR, OR ADDICTION COUNSELOR LICENSED

1 PURSUANT TO THIS ARTICLE WHO HAS SUCCESSFULLY COMPLETED THE
2 NATIONAL ACUPUNCTURE DETOXIFICATION ASSOCIATION TRAINING MAY
3 PERFORM FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL ON A
4 PATIENT WHO HAS BEEN DIAGNOSED WITH A CHEMICAL DEPENDENCY,
5 MENTAL HEALTH, OR BEHAVIORAL HEALTH CONDITION BY A PERSON WHO
6 IS LICENSED TO DIAGNOSE THE CONDITION AND WHEN USED EXCLUSIVELY
7 AND SPECIFICALLY IN CONJUNCTION WITH A CHEMICAL DEPENDENCY,
8 MENTAL HEALTH, OR BEHAVIORAL HEALTH TREATMENT PROGRAM. A
9 PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST,
10 LICENSED PROFESSIONAL COUNSELOR, OR ADDICTION COUNSELOR SHALL
11 ONLY PERFORM THE PROTOCOL UNDER THE INDIRECT SUPERVISION OF AN
12 NADA-CERTIFIED ACUPUNCTURIST, AN NADA-CERTIFIED PHYSICIAN, OR
13 A REGISTERED NADA TRAINER.

14

15 (2) AS USED IN THIS SECTION:

16

17 (a) "FIVE-POINT NADA AURICULAR ACUPUNCTURE PROTOCOL"
18 MEANS THE SUBCUTANEOUS INSERTION OF STERILE, DISPOSABLE
19 ACUPUNCTURE NEEDLES IN FIVE CONSISTENT, PREDETERMINED BILATERAL
20 LOCATIONS IN THE OUTER EAR.

21

22 (b) "INDIRECT SUPERVISION" MEANS SUPERVISION THAT DOES NOT
23 REQUIRE THE PRESENCE OF THE SUPERVISOR IN THE OFFICE OR ON THE
24 PREMISES AT THE TIME THE PROCEDURE IS BEING PERFORMED, BUT DOES
25 REQUIRE THAT THE TASK BE PERFORMED WITH THE PRIOR KNOWLEDGE
26 AND CONSENT OF THE SUPERVISOR.

27

28 **SECTION 7. Effective date.** This act shall take effect July 1,
29 2011.

30

31 **SECTION 8. Safety clause.** The general assembly hereby finds,
32 determines, and declares that this act is necessary for the immediate
33 preservation of the public peace, health, and safety."

34

35

36

37

38 **LOCAL GOVERNMENT**

39 After consideration on the merits, the Committee recommends the
40 following:

41

42 **HB11-1098** be postponed indefinitely.

43

44

45

46

47 **TRANSPORTATION**

48 After consideration on the merits, the Committee recommends the
49 following:

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51 **HB11-1118** be referred to the Committee of the Whole with favorable
52 recommendation.

53

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56

PRINTING REPORT

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The Chief Clerk reports the following bills have been correctly printed:
HB11-1248, 1249, 1250, 1251, 1252, 1253.

MESSAGE(S) FROM THE SENATE

The Senate has adopted and returns herewith: HJR11-1010.

**INTRODUCTION OF BILL
First Reading**

The following bill was read by title and referred to the committee indicated:

HB11-1254 by Representative(s) Priola and Schafer S.; also Senator(s) Steadman--Concerning measures to reduce the frequency of bullying in schools.
Committee on Education

LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Stephens, the following item(s) on the Calendar (was)were laid over until February 11, retaining place on Calendar:

Consideration of General Orders--**HB11-1030, 1058, 1083, 1159, 1069, 1109.**
Consideration of Resolution(s)--**HR11-1005.**

On motion of Representative Stephens, the House adjourned until 9:00 a.m., February 11, 2011.

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk