

THE COLORADO SCHOOL FOR FAMILY THERAPY

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The State of Colorado House of Representatives

April 22, 2015

Dear Honorable Members of the House Health Insurance and Environment Committee,

My presentation: I would like to speak in favor of HB15-1351 before you on 4-23-2015

My interest: I am the Director of the Colorado School for Family Therapy founded in 1995. The School is a Private Occupational School regulated and approved by the State of Colorado Department of Higher Education Division of Private Occupational Schools (DPOS) for the education of mental health professionals (CRS 12-59). I also served as a Professional Member and Vice Chair of the Professional Counselors Examiners Board (2005-2006); as the Mental Health and Substance Abuse Representative on the State of Colorado Commission for Criminal and Juvenile Justice (CCJJ) (2007-2012); as an expert witness for DORA and the Attorney General's Office (2006 and 2009); and a member of the DORA MFT Professional Development Standards Committee (2010). Our School has educated hundreds of psychotherapists throughout the State since 1995 and our graduates have been elected to the leadership of professional organizations and received appointment by the Governor of Colorado to DORA regulatory boards. I am also the President and the Founder of the multidisciplinary professional organization: The Colorado Mental Health Professionals Association. COMHPA is an advocacy and civil rights organization for the six DORA regulated mental health professions in Colorado.

My testimony: HB15-1351 needs to be enacted into law for 6 simple reasons:

- 1.) **Alignment and Consistency in Government Public Policy:** The proposed statute of limitations will be consistent with the current record keeping requirements for the six regulated psychotherapists under the current DORA Rules.
- 2.) **Protection of the Small Business Owner:** Innocent Colorado citizens need to be protected from complaints by former clients beyond a fair and a reasonable time frame for the professional to respond. Psychotherapists cannot fairly respond to complaints older than the DORA record keeping requirements.
- 3.) **Saving of Resources by Hard Working Mental Health Professionals:** Psychotherapists will be able better serve clients in need instead of wasting valuable time and money responding to frivolous complaints. If a complaint is sent to the DORA Office of Investigations (OI) an average investigation takes 6-8 months and most grievances are dismissed.
- 4.) **Public and Consumer Protection:** Mental Health Professionals are also members of the public and deserve legal protection as Colorado citizens and small business owners.
- 5.) **Administrative Law Vs. Criminal Law and Civil Law:** Administrative law is designed to be corrective and instructional, not punitive. Criminal acts of malicious intent committed by mental health professionals against consumers are better addressed through restitution in civil court trials or actual charges in criminal court filed by District Attorneys for child abuse, insurance fraud, sexual misconduct and other misdemeanors in their jurisdiction.
- 6.) **A Question By The MFT Board Chair on October 31, 2014:** During the public phase of the October 31, 2014 Marriage and Family Therapy (MFT) Examiners Board in response to a complaint filed against a MFT for allegations originating in 2006, Mr. James Ungvarsky, the MFT Board Chair, asked the DORA Director of Mental Health and the attorney for the Board. "Is

there no Statute of Limitations for complaints this old?" That was a good question requiring an answer through this legislative action.

7. Finally, the articulated reasons against HB15-1351 are not justification for it not being passed:

1. Clients will have the same access to records as before as defined in CRS 25 and federal regulations like HIPAA.
2. DORA record keeping rules will still be in effect for 7 years or until a minor client is 18.
3. Serious violations of the law by mental health professionals, such as child abuse or sexual misconduct, although rare, even according to DORA's own data, can still be adequately addressed by criminal and civil statutes.
4. Neither DORA nor other opponents have provided any research or evidence that the same type of statutes of limitation that exist in criminal and civil law would harm the public if established in administrative law. A period of 7 years would allow a consumer, or a regulatory board, an adequate time to prepare a complaint against a psychotherapist in the same manner a 2 year statute of limitations provides similar structure in civil court.

Thank you in advance for your consideration of HB15-1351.

Sincerely,

Reo Leslie, D.Min., LMFT, LPC, CAC III, RPT-S; 720-253-4831 (cell)
School Director, The Colorado School for Family Therapy
Founder and President, The Colorado Mental Health Professionals Association
Director, Mental Health Professionals United Small Donor Committee (SDC)

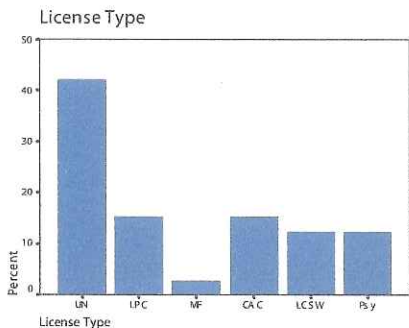
General Sample Characteristics

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|---|--|
| Number of sanctioned violations during the six-year time period. | 235 |
| Gender Distribution. | 131 Males (55.7 percent) 101 Females (43.0 percent) |
| Average age of those receiving disciplinary | 49.51 years |
| Average time span from degree conferral to receiving sanction. | 15.64 years |
| Average number of years from receiving licensure to receiving the sanction. | 6.48 years |

The most frequent ethical violations include

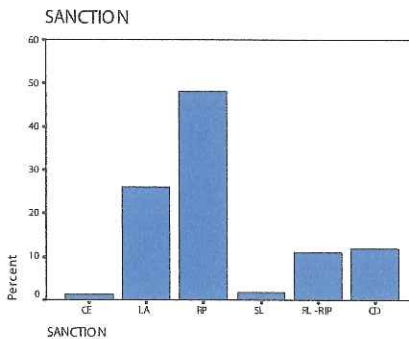
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|--------------------------------|--------------|
| Standards of Practice | 44.3 percent |
| Dual Relationship | 31.5 |
| Competence | 20.0 |
| Sexual Contact | 18.3 |
| Database Listing Violation | 15.7 |
| Confidentiality | 13.6 |
| Mandatory Disclosure Violation | 12.3 |

Note that some sanctions were the result of multiple infractions therefore percentages do not equal 100 percent.



This graph represents the breakdown of disciplinary action by license type.

- Unlicensed (UN) - 42.1 percent
- Licensed Professional Counselor (LPC) - 15.3
- Marriage and Family Counselor (MF) - 2.6
- Certified Addictions Counselor (CAC) - 15.3
- Licensed Clinical Social Worker (LCSW) - 12.3
- Licensed Psychologist (Psy) - 12.3



This graph represents the breakdown of resulting disciplinary actions by the board.

- Continuing Education (CE) - 1.3
- Letter of Admonition (LA) - 26.0
- Restricted Practice (RP) - 48.1
- Surrendered License (SL) - 1.7
- Revocation of License- Injunction to Restrain Practice (RL-RIP) - 11.1
- Cease and Desist Order (CD) - 11.9

The following graphs represent the breakdown of other demographic variables related to the individuals sanctioned for ethical violations.

