

**Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0420.01 Christy Chase

**HOUSE BILL 08-1040**

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**HOUSE SPONSORSHIP**

**Kerr A.,** Ferrandino, Frangas, Gagliardi, Green, McGihon, Primavera, and Stafford

**SENATE SPONSORSHIP**

**Boyd,**

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**House Committees**

Health and Human Services

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ADDICTION COUNSELORS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Relocates, within the article regulating other mental health professionals, and reorganizes statutory provisions concerning the regulation of addiction counselors by the director of the division of registrations in the department of regulatory agencies (director) and retains the current regulatory scheme for addiction counselors. Repeals the regulation of addiction counselors by the director pursuant to the sunset law on July 1, 2011. Makes conforming amendments.

Clarifies, for purposes of the "Colorado Health Care Coverage

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.*

Act", that a licensed addiction counselor is a provider authorized to furnish health care services. Adds licensed or certified addiction counselors to the list of volunteers who are immune from liability under the "Volunteer Service Act". Specifies that a licensed addiction counselor, like a licensed professional counselor who specializes in alcohol addiction, may sign an affidavit on behalf of a concealed weapons applicant, stating that the applicant has been evaluated by the counselor and has been determined to be a recovering alcoholic who has refrained from using alcohol for at least 3 years.

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

2 **SECTION 1.** Article 43 of title 12, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PART, CONTAINING  
4 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

5 PART 8

6 ADDICTION COUNSELORS

7 **12-43-801. [Formerly the introductory portion to 24-34-102**  
8 **(14) (d) and 24-34-102 (14) (d) (II) and (14) (d) (III)] Definitions.**

9 ~~(14) (d)~~ As used in this ~~subsection (14)~~ PART 8, unless the context  
10 otherwise requires:

11 ~~(H)~~ (1) "Certified addiction counselor" means an individual who  
12 has a certificate issued by the director ~~of the division of registrations~~  
13 ~~within the department of regulatory agencies~~ to practice addiction  
14 counseling.

15 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF  
16 REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

17 ~~(H)~~ (3) "Licensed addiction counselor" means a person who  
18 renders addiction counseling to an individual, group, or organization and  
19 who holds a license issued by the director. ~~of the division of registrations~~  
20 ~~within the department of regulatory agencies.~~

1           **12-43-802. [Formerly 24-34-102 (14) (d) (I)] Practice of**  
2           **addiction counseling defined.** ~~(14)(d)(I)~~ (1) FOR THE PURPOSES OF  
3 THIS PART 8, "addiction counseling" consists of the application of general  
4 counseling theories and treatment methods adopted specifically for  
5 alcohol and drug theory and research for the express purpose of treating  
6 alcohol and drug problems. Addiction counseling includes, but is not  
7 limited to, the following:  
8           ~~(A)~~ (a) Screening clients by means of a process in which a client  
9 is determined to be an appropriate candidate and eligible for admission  
10 to a particular program of treatment;  
11           ~~(B)~~ (b) An intake assessment through an administrative and initial  
12 interview for admission into a treatment program;  
13           ~~(C)~~ (c) Orientation to describe to the client the general nature and  
14 goals of the program and the client's rights in accordance with section  
15 12-43-214; ~~C.R.S.~~;  
16           ~~(D)~~ (d) An assessment including those procedures by which an  
17 addiction counselor identifies and evaluates a client's strengths,  
18 weaknesses, problems, and needs in preparation of a treatment plan;  
19           ~~(E)~~ (e) A treatment plan that includes identification of the  
20 problems necessitating resolution, establishment of short-term and  
21 long-term goals, and the establishment of a treatment process;  
22           ~~(F)~~ (f) Counseling that encompasses the use of special skills to  
23 assist individuals, families, or groups in achieving objectives established  
24 in the treatment plan;  
25           ~~(G)~~ (g) Case management activities that bring together services,  
26 agencies, resources, or individuals for the purpose of achieving the goals  
27 outlined in the treatment plan;

1           ~~(H)~~ (h) Crisis intervention that responds to a client's needs during  
2 acute emotional or physical distress;

3           ~~(I)~~ (i) Client education to provide information to an individual or  
4 group concerning alcohol or drug abuse and the available services and  
5 resources;

6           ~~(J)~~ (j) Referring a client to support systems, community resources,  
7 or health care professionals to assist the client with needs that may not be  
8 met by the addiction counselor;

9           ~~(K)~~ (k) Reporting and record-keeping to chart the results of an  
10 assessment and treatment plan, including the preparation of reports,  
11 progress notes, discharge summaries, and other client-related data;

12           ~~(L)~~ (l) Consulting with other addiction counselors, health care  
13 professionals, or mental health professionals to ensure comprehensive and  
14 quality care for the client; and

15           ~~(M)~~ (m) The maintenance of the ethical addiction counselor-client  
16 relationships pursuant to ~~subparagraph (IV) of paragraph (a) of this~~  
17 ~~subsection (14)~~ SECTION 12-43-803 (2) (d).

18           **12-43-803. [Formerly 24-34-102 (14) (a)] Licensure or**  
19 **certification of addiction counselors - authority of director - rules.**

20 ~~(14) (a) (1) On and after July 1, 1998, the authority vested in the~~  
21 ~~department of human services and the board of human services THE~~  
22 ~~DIRECTOR IS AUTHORIZED to certify and discipline certified or licensed~~  
23 ~~addiction counselors. is transferred to the director of the division of~~  
24 ~~registrations in the department of regulatory agencies. The department of~~  
25 ~~human services and board of human services THE DIVISION OF ALCOHOL~~  
26 ~~AND DRUG ABUSE IN THE DEPARTMENT OF HUMAN SERVICES~~ shall  
27 ~~continue to~~ exercise all other rights, powers, duties, functions, and

1 obligations vested in those entities concerning certified or licensed  
2 addiction counselors pursuant to part 2 of article 1 of title 25, C.R.S.

3 (2) The director of ~~the division of registrations~~ may promulgate  
4 rules, which shall include, but shall not be limited to:

5 (H) (a) A requirement that addiction counselors, in order to  
6 participate in public programs or to provide purchased services and  
7 certification requirements therefor, shall meet standards established by the  
8 board of human services by rule. ~~In addition to addiction counselors~~  
9 ~~specifically authorized to be certified or licensed for approved programs~~  
10 ~~pursuant to part 2 of article 1 of title 25, C.R.S., the director of the~~  
11 ~~division of registrations in the department of regulatory agencies may~~  
12 ~~certify or license addiction counselors, upon individual application, in any~~  
13 ~~alcohol or drug abuse treatment program required as a condition of~~  
14 ~~probation under part 2 of article 1.3 of title 18, C.R.S., any alcohol or~~  
15 ~~drug abuse program administered by the division of adult services under~~  
16 ~~part 1 of article 2 of title 17, C.R.S., any community corrections facility~~  
17 ~~or program administered under article 27 of title 17, C.R.S., and any~~  
18 ~~alcohol or drug abuse treatment program administered by the division of~~  
19 ~~youth corrections under title 19, C.R.S.~~

20 (H) (b) Fees to be charged for addiction counselor certification,  
21 licensure, and renewal. The amount assessed shall be sufficient to cover  
22 a portion of the costs of administering such certification, licensure, and  
23 testing, and the moneys collected ~~after June 30, 1998,~~ shall be deposited  
24 in the division of registrations cash fund created in section 24-34-105 (2)  
25 (b) (I), C.R.S. Additional funding may be obtained from general, cash,  
26 or federal funds otherwise appropriated to the division of registrations in  
27 the department of regulatory agencies.

1           ~~(HH)~~ (c) A requirement that addiction counselors shall comply  
2 with section 12-43-222 ~~C.R.S.~~, in order to obtain and maintain  
3 certification or licensure;

4           ~~(IV)~~ (d) Procedures for disciplinary actions against certified or  
5 licensed addiction counselors for prohibited or unlawful acts, ~~which~~  
6 ~~procedures are~~ consistent with the procedures established in ~~sections~~  
7 ~~12-43-212~~, SECTIONS 12-43-212, 12-43-217, 12-43-221, 12-43-223,  
8 12-43-224, 12-43-225, 12-43-226, and 12-43-227. ~~C.R.S.~~

9           (3) IN ADDITION TO ADDICTION COUNSELORS SPECIFICALLY  
10 AUTHORIZED TO BE CERTIFIED OR LICENSED FOR APPROVED PROGRAMS  
11 PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 25, C.R.S., THE DIRECTOR  
12 MAY CERTIFY OR LICENSE ADDICTION COUNSELORS, UPON INDIVIDUAL  
13 APPLICATION, IN ANY ALCOHOL OR DRUG ABUSE TREATMENT PROGRAM  
14 REQUIRED AS A CONDITION OF PROBATION UNDER PART 2 OF ARTICLE 1.3  
15 OF TITLE 18, C.R.S., ANY ALCOHOL OR DRUG ABUSE PROGRAM  
16 ADMINISTERED BY THE DIVISION OF ADULT SERVICES UNDER PART 1 OF  
17 ARTICLE 2 OF TITLE 17, C.R.S., ANY COMMUNITY CORRECTIONS FACILITY  
18 OR PROGRAM ADMINISTERED UNDER ARTICLE 27 OF TITLE 17, C.R.S., AND  
19 ANY ALCOHOL OR DRUG ABUSE TREATMENT PROGRAM ADMINISTERED BY  
20 THE DIVISION OF YOUTH CORRECTIONS UNDER TITLE 19, C.R.S.

21           **12-43-804. [Formerly 24-34-102 (14) (b) and (14)**  
22 **(c)] Procedures and requirements for license. ~~(14) (b) (f)~~**

23 **(1) ~~Procedures and requirements for licensure for addiction~~**  
24 **~~counselors.~~** Rules promulgated by the director ~~of the division of~~  
25 ~~registrations~~ PURSUANT TO THIS PART 8 shall be consistent with the  
26 educational requirements necessary to comply with uniform educational  
27 ~~standards set by the national association of alcoholism and drug~~

1 ~~abuse counselors~~ FOR ADDICTION PROFESSIONALS or its successor  
2 organization. ~~and such~~ THE requirements shall include:

3 ~~(A)~~ (a) Meeting the requirements for a certificate of addiction  
4 counseling, level III;

5 ~~(B)~~ (b) Possessing a master's degree in the social sciences or an  
6 equivalent program, as determined appropriate by the director; ~~of the~~  
7 ~~division of registrations~~ and

8 ~~(C)~~ (c) Passing a national ~~exam~~ EXAMINATION administered by  
9 either the ~~national association of alcoholism and drug abuse counselors~~  
10 FOR ADDICTION PROFESSIONALS or the international certification  
11 reciprocity consortium, or by the successor of either organization.

12 ~~(H)~~ (2) (a) The following persons, who shall be in good standing  
13 in their professions, may provide addiction counseling without becoming  
14 licensed pursuant to this ~~subsection (14)~~ PART 8:

15 ~~(A)~~ (I) Any PERSON WHO IS licensed or registered AS A health care  
16 professional pursuant to article 36 OR 38 ~~or 43 of title 12, C.R.S.,~~ OF THIS  
17 TITLE OR PARTS 3, 4, 5, OR 6 OF THIS ARTICLE AND IS acting within ~~such~~  
18 ~~professional's~~ HIS OR HER scope of practice;

19 ~~(B)~~ (II) School psychologists pursuant to part 2 of article 60.5 of  
20 title 22, C.R.S., acting within the scope of their employment as school  
21 psychologists; and

22 ~~(C)~~ (III) Certified addiction counselors.

23 ~~(H)~~ (b) A person described in ~~subparagraph (H) of this paragraph~~  
24 ~~(b)~~ THIS SUBSECTION (2) shall not use the name, title, or designation of a  
25 licensed addiction counselor unless such person is also a licensed  
26 addiction counselor.

27 ~~(IV)~~ (3) ~~On or before January 1, 2002,~~ The director of the division

1 of registrations shall issue a license to any person who:

2 (a) Holds a valid certification ~~from~~ ISSUED BY the director; ~~of the~~  
3 ~~division of registrations as a certified addiction counselor and who:~~

4 ~~(A)~~ (b) Is in good standing with the director;

5 ~~(B)~~ (c) Has submitted an application and application fee; ~~and~~

6 (d) HAS SATISFIED THE EDUCATIONAL REQUIREMENTS  
7 ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION; AND

8 ~~(C)~~ (e) Agrees to abide by the procedures described in  
9 ~~subparagraph (IV) of paragraph (a) of this subsection (14)~~ SECTION  
10 12-43-803 (2) (d).

11 ~~(e)~~ (4) Nothing in this ~~subsection (14)~~ PART 8 shall preclude or  
12 eliminate professional practice by a person who is certified as an alcohol  
13 counselor level I, II, or III that is within the person's scope of practice.

14 **SECTION 2.** 12-43-101, Colorado Revised Statutes, is amended  
15 to read:

16 **12-43-101. Legislative declaration.** The general assembly  
17 hereby finds and determines that, in order to safeguard the public health,  
18 safety, and welfare of the people of this state and in order to protect the  
19 people of this state against the unauthorized, unqualified, and improper  
20 application of psychotherapy, psychology, social work, marriage and  
21 family therapy, ~~and~~ professional counseling, AND ADDICTION  
22 COUNSELING, it is necessary that the proper regulatory authorities be  
23 established and adequately provided for. The general assembly therefore  
24 declares that there shall be established a state board of psychologist  
25 examiners, a state board of social work examiners, a state board of  
26 marriage and family therapist examiners, and a state board of licensed  
27 professional counselor examiners with the authority to license and take

1 disciplinary actions or bring injunctive actions, or both, concerning  
2 licensed psychologists, psychologist candidates, licensed social workers,  
3 licensed marriage and family therapists, and licensed professional  
4 counselors, respectively. There shall also be a state grievance board with  
5 the authority to take disciplinary actions or bring injunctive actions, or  
6 both, concerning unlicensed psychotherapists. ADDITIONALLY, THE  
7 DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF  
8 REGULATORY AGENCIES IS AUTHORIZED TO CERTIFY AND LICENSE  
9 ADDICTION COUNSELORS AND TAKE DISCIPLINARY ACTIONS OR BRING  
10 INJUNCTIVE ACTIONS, OR BOTH, CONCERNING ADDICTION COUNSELORS.

11 **SECTION 3.** 12-43-201 (6), Colorado Revised Statutes, is  
12 amended, and the said 12-43-201 is further amended BY THE  
13 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

14 **12-43-201. Definitions - repeal.** As used in this part 2, unless the  
15 context otherwise requires:

16 (1.5) "CERTIFIED ADDICTION COUNSELOR" MEANS A PERSON WHO  
17 IS AN ADDICTION COUNSELOR CERTIFIED PURSUANT TO THIS ARTICLE.

18 (1.7) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF  
19 REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

20 (3.5) "LICENSED ADDICTION COUNSELOR" MEANS A PERSON WHO  
21 IS AN ADDICTION COUNSELOR LICENSED PURSUANT TO THIS ARTICLE.

22 (6) "Licensee" means a psychologist, social worker, marriage and  
23 family therapist, ~~or~~ licensed professional counselor, OR ADDICTION  
24 COUNSELOR licensed, CERTIFIED, or registered pursuant to this article.

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

1           **12-43-202. Practice outside of or beyond professional training,**  
2 **experience, or competence.** Notwithstanding any other provision of this  
3 article, no licensee, registrant, CERTIFICATE HOLDER, or unlicensed  
4 psychotherapist is authorized to practice outside of or beyond his or her  
5 area of training, experience, or competence.

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

8           **12-43-203. Boards - meetings - duties - powers - removal of**  
9 **members - immunity.** (4) Each board AND THE DIRECTOR shall maintain  
10 current lists of the names of all licensees, registrants, CERTIFICATE  
11 HOLDERS, and unlicensed psychotherapists and records of cases and  
12 decisions rendered by the board OR THE DIRECTOR. In addition, each  
13 board AND THE DIRECTOR shall keep an accurate record of the results of  
14 all examinations for at least five years subsequent to the date of the  
15 examination.

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

1 the action taken by him or her was warranted by the facts. Any person  
2 participating in good faith in lodging a complaint or participating in any  
3 investigative or administrative proceeding pursuant to this article shall be  
4 immune from any civil or criminal liability that may result from such  
5 participation.

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

11 (11) (a) A professional review committee may be established  
12 pursuant to this subsection (11) to investigate the quality of care being  
13 given by a person licensed, registered, CERTIFIED, or regulated pursuant  
14 to this article. If such a committee is established, it shall include in its  
15 membership at least three persons licensed, registered, CERTIFIED, or  
16 regulated under either part 3, 4, 5, 6, ~~or~~ 7, OR 8 of this article, whichever  
17 is applicable, and such persons shall be licensees, registrants,  
18 CERTIFICATE HOLDERS, or unlicensed psychotherapists in the same  
19 profession as the licensee, registrant, CERTIFICATE HOLDER, or unlicensed  
20 psychotherapist who is the subject of a professional review proceeding,  
21 but such committee may be authorized to act only by a society or an  
22 association of persons licensed, registered, CERTIFIED, or regulated  
23 pursuant to this article whose membership includes not less than one-third  
24 of the persons licensed, registered, CERTIFIED, or regulated pursuant to  
25 part 3, 4, 5, 6, ~~or~~ 7, OR 8 of this article, whichever is applicable, residing  
26 in this state if the licensee, registrant, CERTIFICATE HOLDER, or unlicensed  
27 psychotherapist whose services are the subject of review is a member of

1 such society or association.

2 **SECTION 6.** 12-43-204 (3) and (3.5), Colorado Revised Statutes,  
3 are amended to read:

4 **12-43-204. Fees - renewal.** (3) Every person licensed,  
5 CERTIFIED, or registered to practice psychology, social work, marriage and  
6 family therapy, ~~or~~ professional counseling, OR ADDICTION COUNSELING,  
7 or listed in the state grievance board data base, within the state shall  
8 renew or reinstate his or her license, certification, or registration pursuant  
9 to a schedule established by the director, ~~of the division of registrations~~  
10 ~~within the department of regulatory agencies~~, and licenses, certifications,  
11 and registrations shall be renewed or reinstated pursuant to section  
12 24-34-102 (8), C.R.S. The director ~~of the division of registrations within~~  
13 ~~the department of regulatory agencies~~ may establish renewal fees and  
14 delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S.  
15 If a person fails to renew his or her license, certification, or registration  
16 pursuant to the schedule established by the director, ~~of the division of~~  
17 ~~registrations~~, such license, certification, or registration shall expire. Any  
18 person whose license, certification, or registration has expired shall be  
19 subject to the penalties provided in this article or section 24-34-102 (8),  
20 C.R.S.

21 (3.5) The director ~~of the division of registrations~~ shall coordinate  
22 fee setting pursuant to this section so that all licensees, registrants,  
23 CERTIFICATE HOLDERS, and unlicensed psychotherapists pay fees as  
24 required by this section and section 12-43-702.5 (1).

25 **SECTION 7.** The introductory portion to 12-43-205 (1) and  
26 12-43-205 (1) (g) and (1) (h), Colorado Revised Statutes, are amended to  
27 read:

1           **12-43-205. Records.** (1) THE DIRECTOR AND each board shall  
2 keep a record of its proceedings and a register of all applications for  
3 licenses OR CERTIFICATIONS, which shall include:

4           (g) The date of the action of the DIRECTOR OR board;

5           (h) Such other information as may be deemed necessary or  
6 advisable by the DIRECTOR OR board in aid of the requirements of this  
7 section.

8           **SECTION 8.** 12-43-206, Colorado Revised Statutes, is amended  
9 to read:

10           **12-43-206. Licensure by endorsement.** The board OR THE  
11 DIRECTOR, AS APPROPRIATE, may issue a license by endorsement to  
12 engage in the practice of psychology, social work, marriage and family  
13 therapy, ~~or~~ professional counseling, OR ADDICTION COUNSELING to any  
14 applicant who has a license, registration, or certification in good standing  
15 as a psychologist, social worker, marriage and family therapist, ~~or~~  
16 professional counselor, OR ADDICTION COUNSELOR under the laws of  
17 another jurisdiction if the applicant presents proof satisfactory to the  
18 board OR DIRECTOR that, at the time of application for a Colorado license  
19 by endorsement, the applicant possesses credentials and qualifications  
20 that are substantially equivalent to the requirements of section 12-43-304,  
21 12-43-404, 12-43-504, ~~or~~ 12-43-603, OR 12-43-804, whichever is  
22 applicable. Each board OR THE DIRECTOR shall promulgate rules ~~and~~  
23 ~~regulations~~ setting forth the manner in which credentials and  
24 qualifications of an applicant will be reviewed by the board OR THE  
25 DIRECTOR.

26           **SECTION 9.** 12-43-206.5 (1) and (2), Colorado Revised Statutes,  
27 are amended to read:

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

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

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

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

18           (c) A provisional licensee shall notify the board OR DIRECTOR of  
19           any change in supervision within thirty days after the change.

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

27           **SECTION 10.** 12-43-208, Colorado Revised Statutes, is amended

1 to read:

2 **12-43-208. Drugs - medicine.** Nothing in this article shall be  
3 construed as permitting psychologists, social workers, marriage and  
4 family therapists, ~~and~~ professional counselors, AND ADDICTION  
5 COUNSELORS licensed, CERTIFIED, or registered under this article or  
6 unlicensed psychotherapists to administer or prescribe drugs or in any  
7 manner engage in the practice of medicine as defined by the laws of this  
8 state.

9 **SECTION 11.** 12-43-209, Colorado Revised Statutes, is amended  
10 to read:

11 **12-43-209. Collaborate with physician.** A licensee, registrant,  
12 CERTIFICATE HOLDER, or unlicensed psychotherapist, in order to make  
13 provision for the diagnosis and treatment of medical problems, shall  
14 collaborate with a physician licensed under the laws of this state, except  
15 when practicing pursuant to the provisions of section 12-43-201 (9). A  
16 licensee, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist  
17 shall not diagnose, prescribe for, treat, or advise a client with reference  
18 to medical problems.

19 **SECTION 12.** The introductory portions to 12-43-211 (1) and (1)  
20 (b), Colorado Revised Statutes, are amended, and the said 12-43-211 (1)  
21 (b) is further amended BY THE ADDITION OF A NEW  
22 SUBPARAGRAPH, to read:

23 **12-43-211. Professional service corporations for the practice**  
24 **of psychology, social work, marriage and family therapy,**  
25 **professional counseling, and addiction counseling - definitions.**

26 (1) Licensees may form professional service corporations for the practice  
27 of psychology, social work, marriage and family therapy, ~~or~~ professional

1 counseling, OR ADDICTION COUNSELING under the "Colorado Business  
2 Corporation Act", articles 101 to 117 of title 7, C.R.S., if such  
3 corporations are organized and operated in accordance with the  
4 provisions of this section. The articles of incorporation of such  
5 corporations shall contain provisions complying with the following  
6 requirements:

7 (b) The corporation shall be organized by licensees for the  
8 purpose of conducting the practice of psychology, social work, marriage  
9 and family therapy, ~~or~~ professional counseling, OR ADDICTION  
10 COUNSELING by the respective licensees of those practices. The  
11 corporation may be organized with any other person, and any person may  
12 own shares in such corporation, if the following conditions are met:

13 (VI) THE PRACTICE OF ADDICTION COUNSELING BY THE  
14 PROFESSIONAL SERVICE CORPORATION IS PERFORMED BY A LICENSED  
15 ADDICTION COUNSELOR ACTING INDEPENDENTLY OR UNDER THE  
16 SUPERVISION OF A PERSON LICENSED PURSUANT TO THIS ARTICLE OR A  
17 LICENSED ADDICTION COUNSELOR. ANY LICENSED ADDICTION  
18 COUNSELOR MEMBER OF THE PROFESSIONAL SERVICE CORPORATION  
19 REMAINS INDIVIDUALLY RESPONSIBLE FOR HIS OR HER PROFESSIONAL ACTS  
20 AND CONDUCT AS PROVIDED IN THIS ARTICLE.

21 **SECTION 13.** 12-43-213, Colorado Revised Statutes, is amended  
22 to read:

23 **12-43-213. Legislative intent - schools and colleges -**  
24 **examinations.** It is the intent of the general assembly that the definition  
25 relating to full-time courses of study and institutions of higher education  
26 for graduation of persons who are thereby qualified to take examinations  
27 for licensure under this article be liberally construed by THE DIRECTOR

1 AND each board under ~~its~~ THE DIRECTOR'S OR BOARD'S rule-making  
2 powers to ensure the right to take such examinations. It is not the intent  
3 that technical barriers be used to deny the ability to take such  
4 examination.

5 **SECTION 14.** The introductory portion to 12-43-214 (1) and  
6 12-43-214 (1) (a), (1) (b), (1) (d) (III), and (1) (d) (IV), Colorado Revised  
7 Statutes, are amended to read:

8 **12-43-214. Mandatory disclosure of information to clients.**

9 (1) Except as otherwise provided in subsection (4) of this section, every  
10 unlicensed psychotherapist, licensee, CERTIFICATE HOLDER, or registrant  
11 shall provide the following information in writing to each client during  
12 the initial client contact:

13 (a) The name, business address, and business phone number of the  
14 unlicensed psychotherapist, licensee, CERTIFICATE HOLDER, or registrant;

15 (b) A listing of any degrees, credentials, CERTIFICATIONS, and  
16 licenses;

17 (d) A statement indicating that:

18 (III) In a professional relationship, sexual intimacy is never  
19 appropriate and should be reported to the DIRECTOR OR THE board that  
20 regulates, registers, CERTIFIES, or licenses such unlicensed  
21 psychotherapist, registrant, CERTIFICATE HOLDER, or licensee;

22 (IV) The information provided by the client during therapy  
23 sessions is legally confidential in the case of licensed marriage and family  
24 therapists, social workers, professional counselors, psychologists,  
25 LICENSED OR CERTIFIED ADDICTION COUNSELORS, and unlicensed  
26 psychotherapists, except as provided in section 12-43-218 and except for  
27 certain legal exceptions that will be identified by the licensee, registrant,

1 CERTIFICATE HOLDER, or unlicensed psychotherapist should any such  
2 situation arise during therapy.

3 **SECTION 15.** 12-43-215 (1), Colorado Revised Statutes, is  
4 amended to read:

5 **12-43-215. Scope of article - exemptions.** (1) Any person  
6 engaged in the practice of religious ministry shall not be required to  
7 comply with the provisions of this article; except that such person shall  
8 not hold himself or herself out to the public by any title incorporating the  
9 terms "psychologist", "social worker", "licensed social worker", "LSW",  
10 "licensed clinical social worker", "clinical social worker", "LCSW",  
11 "licensed marriage and family therapist", "LMFT", "licensed professional  
12 counselor", or "LPC", "ADDICTION COUNSELOR", "LICENSED ADDICTION  
13 COUNSELOR", "LAC", "CERTIFIED ADDICTION COUNSELOR", OR "CAC"  
14 unless that person has been licensed OR CERTIFIED pursuant to this article.

15 **SECTION 16.** 12-43-216, Colorado Revised Statutes, is amended  
16 to read:

17 **12-43-216. Title use restrictions.** A psychologist, social worker,  
18 marriage and family therapist, or professional counselor, OR ADDICTION  
19 COUNSELOR may only use the title for which he or she is licensed,  
20 CERTIFIED, or registered under this article. Except as provided in section  
21 12-43-306 (3), no other person shall hold himself or herself out to the  
22 public by any title or description of services incorporating the terms  
23 "licensed clinical social worker", "clinical social worker", "LCSW",  
24 "licensed social worker", "LSW", "marriage and family therapist",  
25 "LMFT", "professional counselor", "LPC", "psychologist", "psychologist  
26 candidate", "psychology", or "psychological", "ADDICTION COUNSELOR",  
27 "LICENSED ADDICTION COUNSELOR", "LAC", "CERTIFIED ADDICTION

1 COUNSELOR", OR "CAC", and no other person shall state or imply that he  
2 or she is licensed to practice social work, marriage and family therapy,  
3 professional counseling, or psychology, OR ADDICTION COUNSELING.  
4 Nothing in this section shall prohibit a person from stating or using the  
5 educational degrees that such person has obtained.

6 **SECTION 17.** 12-43-218 (1), (2), and (3), Colorado Revised  
7 Statutes, are amended to read

8 **12-43-218. Disclosure of confidential communications.** (1) A  
9 licensee, school psychologist, registrant, CERTIFICATE HOLDER, or  
10 unlicensed psychotherapist shall not disclose, without the consent of the  
11 client, any confidential communications made by the client, or advice  
12 given thereon, in the course of professional employment; nor shall a  
13 licensee's, school psychologist's, registrant's, CERTIFICATE HOLDER'S, or  
14 unlicensed psychotherapist's employee or associate, whether clerical or  
15 professional, disclose any knowledge of said communications acquired  
16 in such capacity; nor shall any person who has participated in any therapy  
17 conducted under the supervision of a licensee, school psychologist,  
18 registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist, including,  
19 but not limited to, group therapy sessions, disclose any knowledge gained  
20 during the course of such therapy without the consent of the person to  
21 whom the knowledge relates.

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

23 (a) A client or the heirs, executors, or administrators of a client  
24 file suit or a complaint against a licensee, school psychologist, registrant,  
25 CERTIFICATE HOLDER, or unlicensed psychotherapist on any cause of  
26 action arising out of or connected with the care or treatment of such client  
27 by the licensee, school psychologist, registrant, CERTIFICATE HOLDER, or

1 unlicensed psychotherapist;

2 (b) A licensee, school psychologist, registrant, CERTIFICATE  
3 HOLDER, or unlicensed psychotherapist was in consultation with a  
4 physician, registered professional nurse, licensee, school psychologist,  
5 registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist against  
6 whom a suit or complaint was filed based on the case out of which said  
7 suit or complaint arises;

8 (c) A review of services of a licensee, school psychologist,  
9 registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist is  
10 conducted by any of the following:

11 (I) A board OR THE DIRECTOR or a person or group authorized by  
12 ~~such~~ THE board OR DIRECTOR to make an investigation on its behalf;

13 (II) The governing board of a hospital licensed pursuant to part 1  
14 of article 3 of title 25, C.R.S., where said licensee, school psychologist,  
15 registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist practices  
16 or the medical staff of such hospital if the medical staff operates pursuant  
17 to written bylaws approved by the governing board of such hospital; or

18 (III) A professional review committee established pursuant to  
19 section 12-43-203 (11) if said person has signed a release authorizing  
20 such review.

21 (3) The records and information produced and used in the review  
22 provided for in paragraph (c) of subsection (2) of this section shall not  
23 become public records solely by virtue of the use of such records and  
24 information. The identity of any client whose records are so reviewed  
25 shall not be disclosed to any person not directly involved in such review  
26 process, and procedures shall be adopted by THE DIRECTOR OR a board,  
27 hospital, association, or society to ensure that the identity of the client is

1 concealed during the review process itself and to comply with the  
2 provisions of section 12-43-224 (4).

3 **SECTION 18.** The introductory portion to 12-43-221 (1) and  
4 12-43-221 (1) (b) (I), (1) (b) (II), (1) (f), and (2), Colorado Revised  
5 Statutes, are amended to read:

6 **12-43-221. Powers and duties of the boards.** (1) In addition to  
7 all other powers and duties conferred and imposed upon the boards, as  
8 defined in section 12-43-201 (1), AND THE DIRECTOR by this article, each  
9 board ~~has~~ AND THE DIRECTOR, AS APPROPRIATE, HAVE the following  
10 powers and duties with respect to the licensing, registration,  
11 CERTIFICATION, and regulation of the persons licensed, registered,  
12 CERTIFIED, or listed by each individual board pursuant to part 3, 4, 5, 6,  
13 or 7 of this article OR BY THE DIRECTOR PURSUANT TO PART 8 OF THIS  
14 ARTICLE:

15 (b) (I) To make investigations, hold hearings, and take evidence  
16 in accordance with the provisions of article 4 of title 24, C.R.S., and this  
17 article in all matters relating to the exercise and performance of the  
18 powers and duties vested in each board OR THE DIRECTOR.

19 (II) THE DIRECTOR AND each board, or an administrative law judge  
20 acting on ~~such~~ THE DIRECTOR'S OR board's behalf, shall have the power to  
21 administer oaths, take affirmations of witnesses, and issue subpoenas to  
22 compel the attendance of witnesses and the production of all relevant  
23 papers, books, records, documentary evidence, and materials in any  
24 hearing, investigation, accusation, or other matter coming before the  
25 DIRECTOR OR board. THE DIRECTOR AND each board may appoint an  
26 administrative law judge pursuant to part 10 of article 30 of title 24,  
27 C.R.S., to take evidence and to make findings and report them to the

1 DIRECTOR OR board pursuant to paragraph (e) of this subsection (1).  
2 (f) To notify the public of all disciplinary actions taken against  
3 licensees, registrants, CERTIFICATE HOLDERS, or unlicensed  
4 psychotherapists pursuant to this article.  
5 (2) Pursuant to this part 2 and article 4 of title 24, C.R.S., THE  
6 DIRECTOR AND each board is authorized to adopt and revise such rules as  
7 may be necessary to enable it THE DIRECTOR OR BOARD to carry out the  
8 provisions of this part 2 with respect to the regulation of the persons  
9 licensed, registered, CERTIFIED, or regulated by each individual board  
10 pursuant to part 3, 4, 5, 6, or 7 of this article OR BY THE DIRECTOR  
11 PURSUANT TO PART 8 OF THIS ARTICLE.

12 **SECTION 19.** The introductory portion to 12-43-222 (1) and  
13 12-43-222 (1) (e), (1) (w), and (2), Colorado Revised Statutes, are  
14 amended to read:

15 **12-43-222. Prohibited activities - related provisions.** (1) A  
16 person licensed, registered, CERTIFIED, or regulated under part 3, 4, 5, 6,  
17 or 7, OR 8 of this article is in violation of this article if such person:

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

23 (w) Has sold or fraudulently obtained or furnished a license,  
24 CERTIFICATION, or registration to practice as a social worker, marriage  
25 and family therapist, professional counselor, or psychologist, OR  
26 ADDICTION COUNSELOR or has aided or abetted therein.

27 (2) A disciplinary action relating to a license, registration,

1 CERTIFICATION, or listing to practice a profession licensed, registered,  
2 CERTIFIED, or listed under part 3, 4, 5, 6, or 7, OR 8 of this article or any  
3 related occupation in any other state, territory, or country for disciplinary  
4 reasons shall be deemed to be prima facie evidence of grounds for  
5 disciplinary action, including denial of licensure, by a board OR THE  
6 DIRECTOR. This subsection (2) shall apply only to disciplinary actions  
7 based upon acts or omissions in such other state, territory, or country  
8 substantially similar to those set out as grounds for disciplinary action  
9 pursuant to subsection (1) of this section.

10 **SECTION 20.** 12-43-226 (2) and (4), Colorado Revised Statutes,  
11 are amended to read:

12 **12-43-226. Unauthorized practice - penalties.** (2) Any person  
13 who practices or offers or attempts to practice as a social worker,  
14 marriage and family therapist, professional counselor, ADDICTION  
15 COUNSELOR, or psychologist without an active license, CERTIFICATION, or  
16 registration issued under this article commits a class 2 misdemeanor and  
17 shall be punished as provided in section 18-1.3-501, C.R.S., for the first  
18 offense. Any person who commits a second or any subsequent offense  
19 commits a class 6 felony and shall be punished as provided in section  
20 18-1.3-401, C.R.S.

21 (4) No action may be maintained for the breach of a contract  
22 involving the unlawful practice of psychology, social work, professional  
23 counseling, marriage and family therapy, ADDICTION COUNSELING, or  
24 psychotherapy or for the recovery of compensation for services rendered  
25 under such a contract.

26 **SECTION 21.** 12-43-229, Colorado Revised Statutes, is amended  
27 to read:

1           **12-43-229. Repeal of article.** (1) PARTS 1 TO 7 OF this article is  
2 ARE repealed, effective July 1, 2011. Prior to such repeal, all of the  
3 boards relating to the licensing of and grievances against any person  
4 licensed, registered, or regulated pursuant to the provisions of this article  
5 shall be reviewed as provided for in section 24-34-104, C.R.S.

6           (2) THE FUNCTIONS OF THE DIRECTOR REGARDING ADDICTION  
7 COUNSELORS AS SET FORTH IN PART 8 OF THIS ARTICLE ARE REPEALED,  
8 EFFECTIVE JULY 1, 2011. PRIOR TO SUCH REPEAL, THE FUNCTIONS OF THE  
9 DIRECTOR SHALL BE REVIEWED PURSUANT TO SECTION 24-34-104, C.R.S.

10           **SECTION 22. Repeal of provision being relocated in this act.**  
11 24-34-102 (14), Colorado Revised Statutes, is repealed.

12           **SECTION 23.** 24-34-104 (42) (g), Colorado Revised Statutes, is  
13 amended, and the said 24-34-104 (42) is further amended BY THE  
14 ADDITION OF A NEW PARAGRAPH, to read:

15           **24-34-104. General assembly review of regulatory agencies**  
16 **and functions for termination, continuation, or reestablishment.**

17 (42) The following agencies, functions, or both, shall terminate on July  
18 1, 2011:

19           (g) Notwithstanding paragraph (a) of subsection (11) of this  
20 section, boards relating to the licensing of and grievances against any  
21 person regulated, registered, or licensed pursuant to ~~the provisions of~~  
22 PARTS 3, 4, 5, 6, AND 7 OF article 43 of title 12, C.R.S., and created  
23 pursuant to article 43 of title 12, C.R.S.;

24           (n) THE LICENSING, CERTIFICATION, AND REGULATION OF  
25 ADDICTION COUNSELORS BY THE DIRECTOR OF THE DIVISION OF  
26 REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES IN  
27 ACCORDANCE WITH PART 8 OF ARTICLE 43 OF TITLE 12, C.R.S.

1           **SECTION 24.** 10-16-102 (36), Colorado Revised Statutes, is  
2 amended to read:

3           **10-16-102. Definitions.** As used in this article, unless the context  
4 otherwise requires:

5           (36) "Provider" means any physician, dentist, optometrist,  
6 anesthesiologist, hospital, X-ray, laboratory and ambulance services, or  
7 other person who is licensed or otherwise authorized in this state to  
8 furnish health care services. "PROVIDER" INCLUDES AN ADDICTION  
9 COUNSELOR LICENSED PURSUANT TO PART 8 OF ARTICLE 43 OF TITLE 12,  
10 C.R.S.

11           **SECTION 25.** 10-16-104 (7) (a) (I) (B) and (7) (b) (II) (B),  
12 Colorado Revised Statutes, are amended, and the said 10-16-104 (7) is  
13 further amended BY THE ADDITION OF A NEW PARAGRAPH, to  
14 read:

15           **10-16-104. Mandatory coverage provisions - definitions.**

16 (7) **Reimbursement of providers.** (a) **Sickness and accident**  
17 **insurance.** (I) (B) The licensed persons who may not be denied  
18 reimbursement pursuant to sub-subparagraph (A) of this subparagraph (I)  
19 shall include registered professional nurses, ~~and~~ licensed clinical social  
20 workers, AND LICENSED ADDICTION COUNSELORS. However, such  
21 inclusion shall not be interpreted as enlarging the scope of professional  
22 nursing, ~~or~~ licensed clinical social worker, OR LICENSED ADDICTION  
23 COUNSELING practice. ~~For purposes of this subsection (7), "licensed~~  
24 ~~clinical social worker" shall have the meaning set forth in subparagraph~~  
25 ~~(III) of paragraph (b) of subsection (5) of this section.~~

26           (b) **Nonprofit hospital, medical-surgical, and health service**  
27 **corporations.** (II) (B) If a service is a benefit made available by a

1 corporation subject to the provisions of this part 1 and part 3 of this  
2 article to its members or subscribers and such service is performed by a  
3 registered professional nurse within the scope of his or her license, ~~or~~ by  
4 a licensed clinical social worker within the scope of his or her license, OR  
5 BY A LICENSED ADDICTION COUNSELOR WITHIN THE SCOPE OF HIS OR HER  
6 LICENSE, the reimbursement for such service shall be made directly to the  
7 registered professional nurse, ~~or~~ licensed clinical social worker, OR  
8 LICENSED ADDICTION COUNSELOR when acting as an independent provider  
9 under contract with the corporation. However, such inclusion shall not  
10 be interpreted as expanding the scope of professional nursing, ~~or~~ licensed  
11 clinical social worker, OR LICENSED ADDICTION COUNSELING practice.  
12 Nothing shall be construed to allow duplicate payment for the same  
13 service by different providers. ~~For purposes of this subsection (7),~~  
14 ~~"licensed clinical social worker" shall have the meaning set forth in~~  
15 ~~subparagraph (III) of paragraph (b) of subsection (5) of this section.~~

16 (c) **Definitions.** AS USED IN THIS SUBSECTION (7):

17 (I) "LICENSED ADDICTION COUNSELOR" SHALL HAVE THE SAME  
18 MEANING AS SET FORTH IN SECTION 12-43-201 (3.5), C.R.S.

19 (II) "LICENSED CLINICAL SOCIAL WORKER" SHALL HAVE THE SAME  
20 MEANING AS SET FORTH IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF  
21 SUBSECTION (5) OF THIS SECTION.

22 **SECTION 26.** 13-4-102 (2) (s) and (2) (t), Colorado Revised  
23 Statutes, are amended to read:

24 **13-4-102. Jurisdiction.** (2) The court of appeals shall have  
25 initial jurisdiction to:

26 (s) Review final actions and orders ~~appropriate for judicial review~~  
27 of the boards, as defined in section 12-43-201 (1), C.R.S., THAT ARE

1 APPROPRIATE FOR JUDICIAL REVIEW, AND FINAL ACTIONS AND ORDERS OF  
2 THE DIRECTOR OF THE DIVISION OF REGISTRATIONS PERTAINING TO  
3 ADDICTION COUNSELORS PURSUANT TO PART 8 OF ARTICLE 43 OF TITLE 12,  
4 C.R.S., THAT ARE APPROPRIATE FOR JUDICIAL REVIEW;

5 (t) ~~Review final actions and orders appropriate for judicial review~~  
6 ~~of the Colorado state board of psychologist examiners, the state board of~~  
7 ~~social work examiners, the state board of marriage and family therapist~~  
8 ~~examiners, and the state board of licensed professional counselor~~  
9 ~~examiners, as provided in section 12-43-217, C.R.S.;~~

10 **SECTION 27.** 13-21-115.5 (3) (c) (II), Colorado Revised  
11 Statutes, is amended BY THE ADDITION OF A NEW  
12 SUB-SUBPARAGRAPH to read:

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

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

17 (S) A LICENSED OR CERTIFIED ADDICTION COUNSELOR GOVERNED  
18 BY THE PROVISIONS OF ARTICLE 43 OF TITLE 12, C.R.S., PERFORMING  
19 ADDICTION COUNSELING, AS DEFINED IN SECTION 12-43-802, C.R.S., AS A  
20 VOLUNTEER FOR A NONPROFIT ORGANIZATION, A NONPROFIT  
21 CORPORATION, A GOVERNMENTAL ENTITY, OR A HOSPITAL.

22 **SECTION 28.** 18-12-203 (1) (e) (II), Colorado Revised Statutes,  
23 is amended to read:

24 **18-12-203. Criteria for obtaining a permit.** (1) Beginning May  
25 17, 2003, except as otherwise provided in this section, a sheriff shall issue  
26 a permit to carry a concealed handgun to an applicant who:

27 (e) (II) The prohibition specified in this paragraph (e) shall not

1 apply to an applicant who provides an affidavit, signed by a professional  
2 counselor OR ADDICTION COUNSELOR who is licensed pursuant to article  
3 43 of title 12, C.R.S., and specializes in alcohol addiction, stating that the  
4 applicant has been evaluated by the counselor and has been determined  
5 to be a recovering alcoholic who has refrained from using alcohol for at  
6 least three years.

7 **SECTION 29.** 25-1-207 (1) (d), Colorado Revised Statutes, is  
8 amended to read:

9 **25-1-207. Rules.** (1) The state board of human services, created  
10 in section 26-1-107, C.R.S., has the power to promulgate rules governing  
11 the provisions of this part 2. Such rules may include, but shall not be  
12 limited to:

13 (d) Standards that must be met by addiction counselors to  
14 participate in public programs or to provide purchased services and  
15 certification requirements necessary to be certified by the director of the  
16 division of registrations, pursuant to ~~section 24-34-102 (14)~~ PART 8 OF  
17 ARTICLE 43 OF TITLE 12, C.R.S.;

18 **SECTION 30.** 27-10-105 (1) (a) (II) (D), Colorado Revised  
19 Statutes, is amended to read:

20 **27-10-105. Emergency procedure.** (1) Emergency procedure  
21 may be invoked under either one of the following two conditions:

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

24 (D) A licensed marriage and family therapist or licensed  
25 professional counselor, licensed under the provisions of part 5 or 6 of  
26 article 43 of title 12, C.R.S., or an addiction counselor licensed pursuant  
27 to section ~~24-34-102 (14) (b) (IV)~~ 12-43-804 (3), C.R.S., who by reason

1 of postgraduate education and additional preparation has gained  
2 knowledge, judgment, and skill in psychiatric or clinical mental health  
3 therapy, forensic psychotherapy, or the evaluation of mental disorders; or

4 **SECTION 31. Effective date.** This act shall take effect at 12:01  
5 a.m. on the day following the expiration of the ninety-day period after  
6 final adjournment of the general assembly that is allowed for submitting  
7 a referendum petition pursuant to article V, section 1 (3) of the state  
8 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);  
9 except that, if a referendum petition is filed against this act or an item,  
10 section, or part of this act within such period, then the act, item, section,  
11 or part, if approved by the people, shall take effect on the date of the  
12 official declaration of the vote thereon by proclamation of the governor.