

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0286.02 Kristen Forrestal

HOUSE BILL 04-1251

HOUSE SPONSORSHIP

Frangas, Boyd, Cloer, Coleman, Johnson R., Tochtrop, and Weissmann

SENATE SPONSORSHIP

Kester,

House Committees

Health, Environment, Welfare, & Institutions

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONTINUATION OF THE REGULATION OF MENTAL**
102 **HEALTH PROFESSIONALS BY THE DEPARTMENT OF REGULATORY**
103 **AGENCIES.**

Bill Summary

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

Sunset Process - House Health, Environment, Welfare and Institutions Committee. Continues the boards of psychologist examiners, social work examiners, marriage and family therapists, and licensed professional counselor examiners, the state grievance board, and the department of regulatory agency's licensing and disciplinary functions relating to the addiction counselors programs until 2011. Eliminates the

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.

requirement for periodic joint meetings and allows the boards to conduct meetings by electronic means.

Repeals the requirement that the fees for each board remain uniform. Repeals the requirement that candidates for listing in the data base of unlicensed psychotherapists and certified addiction counselor candidates attend a jurisprudence workshop and requires the candidates to pass a written, mail-in examination.

Clarifies that the exemption from regulation for mental health professionals only applies to court-appointed mental health professionals working within the scope of the appointment.

Increases the length of time that sexual contact with a client is prohibited from 6 months to 2 years after the professional relationship has ended. Changes the grounds for discipline from "addicted to or dependent on alcohol or any habit-forming drug" to habitual or excessive use or abuse of alcohol or drugs.

Allows mental health boards to conduct meetings by electronic means. Repeals the requirement that mental health boards meet jointly. Repeals the requirement that members of the mental health boards take an oath. Requires all board meetings to be open to the public.

Changes the time in which to appeal a letter of admonition from 20 days after the date of proven receipt to within 30 days after the date of the mailing of the letter.

Creates a peer assistance diversion program for mental health professionals.

Requires mental health professionals to pass one written examination for licensure and one written mail-in jurisprudence examination.

Repeals the direct regulation of registered social workers and licensed independent social workers by the board of social work examiners. Attaches the title protection for social worker to the attainment of a master's of social work or higher and to practicing social workers who received bachelor's degrees before July 1, 2004. Requires that social workers who practice psychotherapy in hospitals provide their clients with certain disclosures. Exempts mental health professionals from providing disclosures to clients in a hospital.

Exempts licensed addiction counselors from being compelled to testify in court without the consent of the client. Allows licensed addiction counselors to place a person under a 72-hour mental health hold. Creates the board of addiction counselor examiners and transfers authority from the division of registrations to the board.

Repeals obsolete language.

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

1 **SECTION 1.** 12-43-203 (2) (a), Colorado Revised Statutes, is
2 amended to read:

3 **12-43-203. Boards - meetings - duties - powers - removal of**
4 **members.** (2) (a) Each board shall annually hold a meeting and elect
5 from its membership a chairperson and vice-chairperson. Each board
6 shall meet at such times as it deems necessary or advisable or as deemed
7 necessary and advisable by the chairperson, a majority of its members, or
8 the governor. ~~In order to promote the sharing of information, problems,~~
9 ~~ideas, research, and potential solutions or policy directions with regard~~
10 ~~to regulating the practice of psychology, social work, marriage and family~~
11 ~~therapy, counseling, and psychotherapy in Colorado, the chairpersons of~~
12 ~~the boards shall coordinate periodic meetings of the boards in joint~~
13 ~~session for the discussion of policies related to the regulation of the~~
14 ~~practice of psychotherapy. Such joint meetings shall be held in~~
15 ~~conjunction with regular meetings of the boards.~~ EACH BOARD MAY
16 CONDUCT MEETINGS BY ELECTRONIC MEANS. Reasonable notice of all
17 meetings shall be given in the manner prescribed by each board. ALL
18 MEETINGS SHALL BE OPEN TO THE PUBLIC. A majority of each board shall
19 constitute a quorum at any meeting or hearing.

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

22 **12-43-204. Fees - renewal.** (3.5) The director of the division of
23 registrations shall coordinate fee setting pursuant to this section so that
24 all licensees, registrants, and unlicensed psychotherapists pay fees as
25 required by this section and section 12-43-702.5 (1). ~~The fees for~~
26 ~~renewal of licenses or registrations for psychologists, social workers,~~
27 ~~marriage and family therapists, and professional counselors and for listing~~

1 in the data base for unlicensed psychotherapists pursuant to this section
2 shall be uniform.

3 **SECTION 3.** 12-43-214 (4), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **12-43-214. Mandatory disclosure of information to clients.**

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

9 (g) BY A PERSON LICENSED OR CERTIFIED PURSUANT TO THIS
10 ARTICLE, OR BY AN UNLICENSED PSYCHOTHERAPIST PRACTICING IN A
11 HOSPITAL THAT IS LICENSED OR CERTIFIED UNDER SECTION 25-1.5-103 (1)
12 (a) (I) OR (1) (a) (II), C.R.S.

13 **SECTION 4.** 12-43-215 (1) and (7), Colorado Revised Statutes,
14 are amended, and the said 12-43-215 is further amended BY THE
15 ADDITION OF A NEW SUBSECTION, to read:

16 **12-43-215. Scope of article - exemptions.** (1) Any person
17 engaged in the practice of religious ministry shall not be required to
18 comply with the provisions of this article; except that such person shall
19 not hold himself or herself out to the public by any title incorporating the
20 terms "psychologist", "~~social worker~~", "~~registered social worker~~", "~~RSW~~",
21 "~~licensed social worker~~", "~~LSW~~", "~~licensed independent social worker~~",
22 "~~LISW~~", "licensed clinical social worker", "clinical social worker",
23 "LCSW", "licensed marriage and family therapist", "LMFT", "licensed
24 professional counselor", or "LPC" unless that person has been licensed
25 pursuant to this article.

26 (7) The provisions of this article shall not apply to MENTAL
27 HEALTH PROFESSIONALS ACTING WITHIN THE SCOPE OF A COURT

1 APPOINTMENT TO UNDERTAKE custodial evaluations ~~undertaken~~ in
2 domestic relations cases in the courts of this state or TO MENTAL HEALTH
3 PROFESSIONALS ACTING WITHIN THE SCOPE OF A COURT APPOINTMENT TO
4 UNDERTAKE domestic and child abuse evaluations ~~undertaken~~ for
5 purposes of legal proceedings in the courts of this state.

6 (10) THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO A
7 PROFESSIONAL COACH WHO HAS HAD COACH-SPECIFIC TRAINING AND WHO
8 SERVES CLIENTS EXCLUSIVELY AS A COACH.

9 **SECTION 5.** 12-43-222 (1) (e) and (1) (r), Colorado Revised
10 Statutes, are amended to read:

11 **12-43-222. Prohibited activities - related provisions.** (1) A
12 person licensed, registered, or regulated under part 3, 4, 5, 6, or 7 of this
13 article is in violation of this article if such person:

14 (e) ~~Is addicted to or dependent on~~ HABITUALLY OR EXCESSIVELY
15 USES OR ABUSES alcohol or any habit-forming drug, as defined in section
16 12-22-102 (13), or is a habitual user of any controlled substance, as
17 defined in section 12-22-303 (7), or any alcoholic beverage;

18 (r) Has engaged in sexual contact, sexual intrusion, or sexual
19 penetration, as defined in section 18-3-401, C.R.S., with a client during
20 the period of time in which a therapeutic relationship exists or for up to
21 ~~six months~~ TWO YEARS after the period in which such a relationship
22 exists;

23 **SECTION 6.** 12-43-224 (3) (d), Colorado Revised Statutes, is
24 amended to read:

25 **12-43-224. Disciplinary proceedings - judicial review - mental**
26 **and physical examinations - multiple licenses.** (3) Disciplinary actions
27 may consist of the following:

1 (d) **Issuance of letters of admonition.** Such letters shall be sent
2 ~~by certified mail~~ to the licensee, registrant, or unlicensed psychotherapist
3 against whom a complaint was made. The letter shall advise the licensee,
4 registrant, or unlicensed psychotherapist that he or she may, within
5 ~~twenty days after receipt of the letter~~ THIRTY DAYS AFTER THE DATE OF
6 MAILING OF THE LETTER, make a written request to the board that issued
7 the letter to institute formal disciplinary proceedings in order to formally
8 adjudicate the conduct or acts on which the letter was based.

9 **SECTION 7.** Part 2 of article 43 of title 12, Colorado Revised
10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
11 read:

12 **12-43-228.5. Mental health professionals peer assistance fund.**

13 (1) (a) ON OR AFTER THE EFFECTIVE DATE OF THIS ACT, AS A CONDITION
14 OF REGISTRATION OR LICENSURE UNDER THIS ARTICLE, EVERY APPLICANT
15 SHALL PAY TO THE ADMINISTERING ENTITY THAT HAS BEEN SELECTED BY
16 THE DEPARTMENT OF REGULATORY AGENCIES AN AMOUNT NOT TO EXCEED
17 TWENTY-EIGHT DOLLARS PER YEAR, WHICH AMOUNT SHALL BE USED TO
18 SUPPORT DESIGNATED PROVIDERS THAT HAVE BEEN SELECTED BY THE
19 DEPARTMENT TO PROVIDE ASSISTANCE TO MENTAL HEALTH
20 PROFESSIONALS NEEDING HELP IN DEALING WITH PHYSICAL, EMOTIONAL,
21 OR PSYCHOLOGICAL PROBLEMS THAT MAY BE DETRIMENTAL TO THEIR
22 ABILITY TO PRACTICE AS MENTAL HEALTH PROFESSIONALS.

23 (b) THE DEPARTMENT SHALL SELECT ONE OR MORE PEER HEALTH
24 ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR
25 DESIGNATION BY THE BOARD, A PEER HEALTH ASSISTANCE PROGRAM
26 SHALL BE ABLE TO:

27 (I) PROVIDE FOR THE EDUCATION OF MENTAL HEALTH

1 PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF
2 PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL PROBLEMS AND PROVIDE FOR
3 INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES THAT MAY
4 BE DETERMINED BY RULES PROMULGATED BY THE BOARD;

5 (II) OFFER ASSISTANCE TO A MENTAL HEALTH PROFESSIONAL IN
6 IDENTIFYING SUCH PROFESSIONAL'S PHYSICAL, EMOTIONAL, OR
7 PSYCHOLOGICAL PROBLEMS;

8 (III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR
9 PSYCHOLOGICAL PROBLEMS AND REFER THE MENTAL HEALTH
10 PROFESSIONAL FOR APPROPRIATE TREATMENT;

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

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

16 (VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD;

17 (VII) AGREE TO MAKE SERVICES AVAILABLE TO ALL REGISTERED
18 AND LICENSED COLORADO MENTAL HEALTH PROFESSIONALS.

19 (c) THE DEPARTMENT OF REGULATORY AGENCIES SHALL SELECT AN
20 ENTITY TO ADMINISTER THE PEER HEALTH ASSISTANCE PROGRAMS. THE
21 ADMINISTERING ENTITY SHALL BE A QUALIFIED, NONPROFIT PRIVATE
22 FOUNDATION THAT IS QUALIFIED UNDER SECTION 501 (c) (3) OF THE
23 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND SHALL
24 BE DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT,
25 EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO MENTAL
26 HEALTH PROFESSIONS, MENTAL HEALTH EDUCATION, MENTAL HEALTH
27 RESEARCH AND SCIENCE, AND OTHER MENTAL HEALTH CHARITABLE

1 PURPOSES.

2 (d) THE RESPONSIBILITIES OF THE ADMINISTERING ENTITY SHALL
3 BE:

4 (I) TO COLLECT THE REQUIRED ANNUAL PAYMENTS;

5 (II) TO VERIFY TO THE DEPARTMENT OF REGULATORY AGENCIES,
6 IN A MANNER ACCEPTABLE TO THE DEPARTMENT, THE NAMES OF ALL
7 MENTAL HEALTH PROFESSIONAL APPLICANTS WHO HAVE PAID THE FEE SET
8 BY THE DEPARTMENT;

9 (III) TO DISTRIBUTE THE MONEYS COLLECTED, LESS EXPENSES, TO
10 THE DESIGNATED PROVIDERS, AS DIRECTED BY THE DEPARTMENT OF
11 REGULATORY AGENCIES;

12 (IV) TO PROVIDE AN ANNUAL ACCOUNTING TO THE DEPARTMENT
13 OF REGULATORY AGENCIES OF ALL AMOUNTS COLLECTED, EXPENSES
14 INCURRED, AND AMOUNTS DISBURSED; AND

15 (V) TO POST A SURETY PERFORMANCE BOND IN AN AMOUNT
16 SPECIFIED BY THE DEPARTMENT OF REGULATORY AGENCIES TO SECURE
17 PERFORMANCE UNDER THE REQUIREMENTS OF THIS SECTION. THE
18 ADMINISTERING ENTITY MAY RECOVER THE ACTUAL ADMINISTRATIVE
19 COSTS INCURRED IN PERFORMING ITS DUTIES UNDER THIS SECTION IN AN
20 AMOUNT NOT TO EXCEED TEN PERCENT OF THE TOTAL AMOUNT
21 COLLECTED.

22 (2) (a) ANY MENTAL HEALTH PROFESSIONAL WHO IS A REFERRED
23 PARTICIPANT IN A PEER HEALTH ASSISTANCE PROGRAM SHALL ENTER INTO
24 A WRITTEN AGREEMENT WITH THE APPLICABLE BOARD OF EXAMINERS OR
25 THE DIRECTOR PRIOR TO SUCH MENTAL HEALTH PROFESSIONAL BECOMING
26 A PARTICIPANT IN SUCH PROGRAM. SUCH AGREEMENT SHALL CONTAIN
27 SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE PARTICIPANT,

1 INCLUDING THE CONDITIONS UNDER WHICH PARTICIPATION IN THE
2 PROGRAM WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A
3 PROVISION THAT FAILURE TO COMPLY WITH SUCH REQUIREMENTS AND
4 GOALS SHALL BE PROMPTLY REPORTED TO THE APPLICABLE BOARD OF
5 EXAMINERS OR TO THE DIRECTOR AND THE COMMITTEE, AND THAT SUCH
6 FAILURE SHALL RESULT IN DISCIPLINARY ACTION BY THE APPLICABLE
7 BOARD OF EXAMINERS.

8 (b) THE APPLICABLE BOARD OF EXAMINERS OR THE DIRECTOR MAY
9 IMMEDIATELY SUSPEND THE LICENSE OR REGISTRATION OF ANY MENTAL
10 HEALTH PROFESSIONAL WHO IS REFERRED TO A PEER HEALTH ASSISTANCE
11 PROGRAM BY THE DEPARTMENT OF REGULATORY AGENCIES OR THE BOARD
12 AND WHO FAILS TO ATTEND OR TO COMPLETE SUCH PROGRAM. IF SUCH
13 MENTAL HEALTH PROFESSIONAL OBJECTS TO SUCH SUSPENSION, HE OR SHE
14 MAY SUBMIT A WRITTEN REQUEST TO THE APPLICABLE BOARD OF
15 EXAMINERS FOR A FORMAL HEARING ON SUCH SUSPENSION WITHIN TEN
16 DAYS AFTER RECEIVING NOTICE OF SUCH SUSPENSION, AND THE BOARD
17 SHALL GRANT SUCH REQUEST. IN SUCH HEARING THE MENTAL HEALTH
18 PROFESSIONAL SHALL BEAR THE BURDEN OF PROVING THAT THE LICENSE
19 OR REGISTRATION SHOULD NOT BE SUSPENDED.

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

1 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE
2 ANY LIABILITY ON BEHALF OF THE BOARD OR THE STATE OF COLORADO
3 FOR THE ACTIONS OF THE BOARD OR THE COMMITTEE MEMBERS IN MAKING
4 GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO CIVIL ACTION MAY BE
5 BROUGHT OR MAINTAINED AGAINST THE BOARD, THE COMMITTEE
6 MEMBERS, OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE
7 RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE
8 PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH
9 PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER
10 ASSISTANCE PROGRAM. HOWEVER, THE STATE SHALL REMAIN LIABLE
11 UNDER THE PROVISIONS OF 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 DEPARTMENT OF REGULATORY AGENCIES IS AUTHORIZED
18 TO PROMULGATE RULES NECESSARY TO IMPLEMENT THE PROVISIONS OF
19 THIS SECTION.

20 **SECTION 8.** 12-43-229, Colorado Revised Statutes, is amended
21 to read:

22 **12-43-229. Repeal of article.** This article is repealed, effective
23 July 1, ~~2004~~ 2011. Prior to such repeal, all of the boards relating to the
24 licensing of and grievances against any person licensed, registered, or
25 regulated pursuant to the provisions of this article shall be reviewed as
26 provided for in section 24-34-104, C.R.S.

27 **SECTION 9.** 12-43-302 (4) and (6), Colorado Revised Statutes,

1 are amended to read:

2 **12-43-302. State board of psychologist examiners.** (4) Each
3 board member shall hold office until the expiration of such member's
4 appointed term or until a successor is duly appointed. ~~except as provided~~
5 ~~in this subsection (4). On or before July 1, 1998, the governor shall~~
6 ~~remove two of the five licensed psychologists serving on the board that~~
7 ~~existed on June 30, 1998, in compliance with subsection (2) of this~~
8 ~~section, and the remaining three shall hold office until the expiration of~~
9 ~~the member's appointed term or until a successor is duly appointed. On~~
10 ~~or before July 1, 1998, the governor shall appoint two additional public~~
11 ~~members to the board. The initial term of one of the additional two~~
12 ~~public members to be appointed to the board shall be three years and the~~
13 ~~other public member shall be appointed for a term of four years.~~
14 ~~Thereafter,~~ The term of each member shall be four years. Any vacancy
15 occurring in board membership other than by expiration of A term shall
16 be filled by the governor by appointment for the unexpired term of such
17 member.

18 (6) Each board member shall receive a ~~board~~ certificate of
19 appointment from the governor. ~~and, before entering on the discharge of~~
20 ~~his or her duties and within thirty days after the effective date of~~
21 ~~appointment, the board member shall subscribe to an oath for the faithful~~
22 ~~performance of his or her official duties before any officer authorized to~~
23 ~~administer oaths in this state and shall file the same with the secretary of~~
24 ~~state.~~

25 **SECTION 10.** 12-43-304 (1) (e), Colorado Revised Statutes, is
26 amended to read:

27 **12-43-304. Qualifications - examinations - licensure.** (1) The

1 board shall issue a license as a psychologist, and issue an appropriate
2 license certificate, to each applicant who files an application upon a form
3 and in such manner as the board prescribes, accompanied by such fee as
4 is required by the board, and who furnishes evidence satisfactory to the
5 board that he or she:

6 (e) Has demonstrated professional competence by passing ~~an~~ A
7 SINGLE, WRITTEN examination in psychology AS prescribed by the board
8 AND A WRITTEN, MAIL-IN JURISPRUDENCE EXAMINATION ADMINISTERED BY
9 THE DEPARTMENT OF REGULATORY AGENCIES.

10 **SECTION 11.** 12-43-304, Colorado Revised Statutes, is amended
11 BY THE ADDITION OF A NEW SUBSECTION to read:

12 **12-43-304. Qualifications - examinations - licensure.** (7) THE
13 BOARD SHALL REGISTER AS A PSYCHOLOGIST CANDIDATE A PERSON WHO
14 FILES AN APPLICATION THEREFOR, ACCOMPANIED BY SUCH FEE AS IS
15 REQUIRED BY SECTION 12-43-204, AND WHO SUBMITS EVIDENCE
16 SATISFACTORY TO THE BOARD THAT HE OR SHE HAS MET THE
17 REQUIREMENTS OF PARAGRAPHS (a), (b), AND (c) OF SUBSECTION (1) OF
18 THIS SECTION. SUCH CANDIDATE IS NOT REQUIRED TO REGISTER WITH THE
19 DATABASE OF UNLICENSED PSYCHOTHERAPISTS, AND SHALL BE UNDER THE
20 JURISDICTION OF THE STATE BOARD OF PSYCHOLOGIST EXAMINERS. A
21 PERSON SHALL COMPLETE THE REQUIREMENTS OF PARAGRAPHS (d) AND (e)
22 OF SUBSECTION (1) OF THIS SECTION WITHIN FOUR YEARS AFTER INITIAL
23 REGISTRATION WITH THE PSYCHOLOGY BOARD. IF SUCH REQUIREMENTS
24 ARE NOT MET WITHIN FOUR YEARS, THEN THE CANDIDATE FOR LICENSURE
25 AS A PSYCHOLOGIST MUST TRANSFER HIS OR HER REGISTRATION TO THE
26 GRIEVANCE BOARD AND ADOPT THE TITLE "UNLICENSED
27 PSYCHOTHERAPIST". AFTER SUCH REQUIREMENTS ARE SUCCESSFULLY

1 MET, THE CANDIDATE MAY TRANSFER REGISTRATION BACK TO THE
2 PSYCHOLOGY BOARD.

3 **SECTION 12.** 12-43-401 (8), (9), and (10), Colorado Revised
4 Statutes, are amended to read:

5 **12-43-401. Definitions.** As used in this part 4, unless the context
6 otherwise requires:

7 (8) "Licensed social worker" ~~or "licensed independent social~~
8 ~~worker"~~ means a person licensed under the provisions of this part 4.

9 (9) "Licensee" means a licensed social worker ~~licensed~~
10 ~~independent social worker~~, or licensed clinical social worker.

11 (10) ~~"Registered social worker" means a person registered under~~
12 ~~the provisions of this part 4.~~

13 **SECTION 13.** 12-43-402 (2) (a), (3), and (6), Colorado Revised
14 Statutes, are amended to read:

15 **12-43-402. State board of social work examiners.**

16 (2) (a) ~~During the period ending July 1, 1999,~~ Three board members
17 shall be licensed clinical social workers engaged primarily in direct
18 practice. ~~Thereafter, one board member shall be a licensed independent~~
19 ~~social worker and two board members shall be licensed clinical social~~
20 ~~workers engaged primarily in direct practice.~~

21 (3) Each board member shall hold office until the expiration of
22 such member's appointed term or until a successor is duly appointed.
23 ~~except as provided in this subsection (3). On or before July 1, 1998, the~~
24 ~~governor shall remove two of the five licensed clinical social workers~~
25 ~~serving on the board as it existed on June 30, 1998, in compliance with~~
26 ~~subsection (2) of this section. On or before July 1, 1998, the governor~~
27 ~~shall appoint two additional public members to the board. The initial~~

1 term of one of the additional public members to be appointed to the board
2 shall be three years, and the other additional public member shall be
3 appointed for a term of four years. On or before July 1, 1999, the
4 governor shall remove one of the three licensed clinical social workers
5 serving on the board in compliance with subsection (2) of this section.
6 On or before July 1, 1999, the governor shall appoint a licensed
7 independent social worker to the board. The initial term of the licensed
8 independent social worker to be appointed to the board shall be three
9 years. Thereafter, The term of each member shall be four years. Any
10 vacancy occurring in board membership other than by expiration of A
11 term shall be filled by the governor by appointment for the remainder of
12 the unexpired term of such member.

13 (6) Each board member shall receive a certificate of appointment
14 from the governor. and, before entering on the discharge of his or her
15 duties and within thirty days after the effective date of appointment, the
16 board member shall subscribe to an oath for the faithful performance of
17 his or her official duties before any officer authorized to administer oaths
18 in this state and shall file the same with the secretary of state.

19 **SECTION 14.** 12-43-403 (1), Colorado Revised Statutes, is
20 amended to read:

21 **12-43-403. Social work practice defined.** (1) For the purposes
22 of this part 4, "social work practice" means the professional application
23 of social work theory and methods by a graduate with a master's degree
24 in social work, a doctoral degree in social work, or a bachelor's degree in
25 social work from an accredited social work program, SO LONG AS THE
26 GRADUATE WAS PRACTICING SOCIAL WORK AND RECEIVED THE
27 BACHELOR'S DEGREE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, for

1 the purpose of prevention, assessment, diagnosis, and intervention with
2 individual, family, group, organizational, and societal problems, including
3 alcohol and substance abuse and domestic violence, based on the
4 promotion of biopsychosocial developmental processes, person-in-
5 environment transactions, and empowerment of the client system. Social
6 work theory and methods are based on known, accepted principles that
7 are taught in professional schools of social work in colleges or
8 universities accredited by the council on social work education.

9 **SECTION 15.** 12-43-404 (1) (c), (2), (3), (4), (6), and (7),
10 Colorado Revised Statutes, are amended to read:

11 **12-43-404. Qualifications - examination - licensure and**
12 **registration.** (1) The board shall license as a licensed social worker, and
13 issue an appropriate certificate to, any person who files an application
14 therefor, accompanied by such fee as is required by section 12-43-204,
15 and who submits evidence satisfactory to the board that he or she:

16 (c) Demonstrates professional competence by satisfactorily
17 passing an examination IN SOCIAL WORK AND A WRITTEN, MAIL-IN
18 JURISPRUDENCE EXAMINATION ADMINISTERED BY THE DEPARTMENT OF
19 REGULATORY AGENCIES.

20 (2) The board shall license as a ~~licensed independent social~~
21 ~~worker~~ or licensed clinical social worker, and issue an appropriate
22 certificate to, any person who files an application therefor, accompanied
23 by such fee as is required by section 12-43-204, and who submits
24 evidence satisfactory to the board that he or she:

25 (a) Is at least twenty-one years of age;

26 (b) Has obtained a master's or doctorate degree from a graduate
27 school of social work;

1 (c) Has practiced social work for at least two years under the
2 supervision of a ~~licensed independent social worker or~~ licensed clinical
3 social worker; and

4 (d) Demonstrates professional competence by satisfactorily
5 passing an examination IN SOCIAL WORK that may be written, oral, or
6 both, as prescribed by the board AND A WRITTEN, MAIL-IN JURISPRUDENCE
7 EXAMINATION ADMINISTERED BY THE DEPARTMENT OF REGULATORY
8 AGENCIES.

9 ~~(3) The board shall register as a registered social worker, and~~
10 ~~issue an appropriate certificate to, any person who files an application~~
11 ~~therefor, accompanied by such fee as is required by section 12-43-204,~~
12 ~~and who submits evidence satisfactory to the board that he or she:~~

13 ~~(a) Is at least twenty-one years of age;~~

14 ~~(b) Has obtained a bachelor's degree in social work from an~~
15 ~~approved school. For licensure, compliance, and disciplinary purposes,~~
16 ~~a registered social worker shall work under the supervision of a licensed~~
17 ~~independent social worker or licensed clinical social worker; except that,~~
18 ~~in cases where no licensed independent social worker or licensed clinical~~
19 ~~social worker is available for supervision, the registered social worker~~
20 ~~may apply to the board for approval for supervision by a person with~~
21 ~~equivalent experience as determined by the board.~~

22 ~~(c) Demonstrates professional competence by satisfactorily~~
23 ~~passing an examination.~~

24 (4) Upon investigation of the application for a certificate and
25 other evidence submitted, the board shall, not less than thirty days prior
26 to the examination, notify each applicant that the application and
27 evidence submitted for licensure ~~or registration~~ are satisfactory and

1 accepted or unsatisfactory and rejected. If the application is rejected, said
2 notice shall state the reasons for such rejection and provide suggestions
3 for the preparation of ~~reapplying~~ A NEW APPLICATION.

4 (6) The director of the division of registrations may review any
5 examination or procedure for granting a certificate by the board prior to
6 the execution of such examination or procedure. After such review, if the
7 director has reason to believe such examination or procedure to be unfair
8 to the applicants or unreasonable in content, the director shall call on five
9 people licensed ~~or registered~~ in the occupation of social work under this
10 part 4 to review the examination or procedure jointly with the director.
11 The director and such licensed ~~or registered~~ persons, acting jointly, may
12 make findings of fact and recommendations to the board concerning any
13 examination or procedure. The findings of fact and recommendations
14 shall be public documents.

15 (7) ~~Any applicant for a license or registration may petition the~~
16 ~~board to waive an examination and substitute in lieu thereof proof of~~
17 ~~competency by paying the applicable fees and demonstrating through~~
18 ~~documentation of supervision and reference that such person is competent~~
19 ~~in social work practice.~~

20 **SECTION 16.** 12-43-406 (2) and (3), Colorado Revised Statutes,
21 are amended to read:

22 **12-43-406. Scope of part.** (2) No person may state that he or she
23 is engaged in the practice of social work as a social worker, or refer to
24 himself or herself as a social worker, unless such person ~~is licensed or~~
25 ~~registered pursuant to this part 4~~ HAS ATTAINED A MASTER'S OF SOCIAL
26 WORK OR A HIGHER SOCIAL WORK DEGREE OR ATTAINED A BACHELOR'S
27 DEGREE IN SOCIAL WORK, WAS PRACTICING IN THE PROFESSION, AND WAS

1 REGISTERED AS A SOCIAL WORKER PRIOR TO THE EFFECTIVE DATE OF THIS
2 SECTION. No person may practice as a clinical social worker unless
3 licensed pursuant to section 12-43-404 (2). ~~or licensed or registered to~~
4 ~~practice social work and supervised pursuant to section 12-43-404 (2) or~~
5 ~~(3).~~

6 (3) No person may supervise the practice of social work for the
7 purpose of licensure compliance or disciplinary proceedings unless
8 licensed pursuant to section 12-43-404; except that, in cases where no
9 LCSW ~~or LISW~~ is available for supervision for licensure, the licensee ~~or~~
10 ~~registrant~~ may apply to the board for approval to be supervised by a
11 person with equivalent experience as determined by the board.

12 **SECTION 17.** 12-43-502 (2) (c), (4), and (6), Colorado Revised
13 Statutes, are amended to read:

14 **12-43-502. State board of marriage and family therapist**
15 **examiners.** (2) (c) ~~On or before July 1, 1998, the governor shall remove~~
16 ~~two of the five licensed marriage and family therapists serving on the~~
17 ~~board as it existed on June 30, 1998, in compliance with this subsection~~
18 ~~(2). On or before July 1, 1998, the governor shall appoint two additional~~
19 ~~public members to the board. The initial term of one of the additional~~
20 ~~two public members shall be three years, and the other shall be appointed~~
21 ~~for a term of four years.~~

22 (4) Each board member shall hold office until the expiration of his
23 or her appointed term or until a successor is duly appointed, ~~except as~~
24 ~~provided in subsection (2) of this section,~~ and each member MEMBERS
25 shall thereafter serve terms of four years. When the term of each board
26 member expires, the governor shall appoint his or her successor for a term
27 of four years. Any vacancy occurring in the board membership other than

1 by the expiration of a term shall be filled by the governor by appointment
2 for the remainder of the unexpired term of such member.

3 (6) Each board member shall receive a certificate of appointment
4 from the governor. ~~and, before entering on the discharge of his or her~~
5 ~~duties and within thirty days after the effective date of appointment, the~~
6 ~~board member shall subscribe to an oath for the faithful performance of~~
7 ~~his or her official duties before any officer authorized to administer oaths~~
8 ~~in this state and shall file the same with the secretary of state.~~

9 **SECTION 18.** 12-43-504 (1) (e), Colorado Revised Statutes, is
10 amended to read:

11 **12-43-504. Qualifications - examination - licensure and**
12 **registration.** (1) The board shall issue a license as a marriage and
13 family therapist to each applicant who files an application upon a form
14 and in such manner as the board prescribes, accompanied by a fee as is
15 required by section 12-43-204 (1), and who furnishes evidence
16 satisfactory to the board that he or she:

17 (e) Has demonstrated professional competence by passing an
18 examination in marriage and family therapy prescribed by the board AND
19 A WRITTEN, MAIL-IN JURISPRUDENCE EXAMINATION ADMINISTERED BY THE
20 DEPARTMENT OF REGULATORY AGENCIES.

21 **SECTION 19.** 12-43-602 (2) (c), (4), and (6), Colorado Revised
22 Statutes, are amended to read:

23 **12-43-602. State board of licensed professional counselor**
24 **examiners.** (2) (c) ~~On or before July 1, 1998, the governor shall remove~~
25 ~~two of the five licensed professional counselors serving on the board as~~
26 ~~it existed on June 30, 1998, in compliance with this subsection (2). On~~
27 ~~or before July 1, 1998, the governor shall appoint two additional public~~

1 ~~members to the board. The initial terms of one of the additional public~~
2 ~~members shall be three years, and the other additional member shall be~~
3 ~~appointed for a term of four years.~~

4 (4) Each member shall hold office until the expiration of his or
5 her appointed term or until a successor is duly appointed, ~~except as~~
6 ~~provided in subsection (2) of this section, and each member~~ MEMBERS
7 shall thereafter serve terms of four years. When the term of each board
8 member expires, the governor shall appoint his or her successor for a term
9 of four years. Any vacancy occurring in the board membership other than
10 by the expiration of a term shall be filled by the governor by appointment
11 for the unexpired term of such member.

12 (6) Each board member shall receive a certificate of appointment
13 from the governor. ~~and, before entering on the discharge of his or her~~
14 ~~duties and within thirty days after the effective date of appointment, the~~
15 ~~board member shall subscribe to an oath for the faithful performance of~~
16 ~~his or her official duties before any officer authorized to administer oaths~~
17 ~~in this state and shall file the same with the secretary of state.~~

18 **SECTION 20.** 12-43-603 (1) (e), Colorado Revised Statutes, is
19 amended to read:

20 **12-43-603. Licensure - examination - licensed professional**
21 **counselors.** (1) The board shall issue a license as a licensed professional
22 counselor to each applicant who files an application upon a form and in
23 such a manner as the board prescribes, accompanied by a fee as is
24 required by section 12-43-204, and who furnishes evidence satisfactory
25 to the board that he or she:

26 (e) Has demonstrated professional competence by passing an
27 examination in professional counseling demonstrating special knowledge

1 and skill in applied psychotherapy as prescribed by the board AND A
2 WRITTEN, MAIL-IN JURISPRUDENCE EXAMINATION ADMINISTERED BY THE
3 DEPARTMENT OF REGULATORY AGENCIES.

4 **SECTION 21.** 12-43-702 (2), (3), and (4), Colorado Revised
5 Statutes, are amended to read:

6 **12-43-702. State grievance board - creation - subject to**
7 **termination.** (2) Four members of the grievance board shall be appointed
8 by the governor ~~on July 1, 1998~~, from the general public who are not
9 regulated by this article with a good faith effort to achieve broad-based
10 geographical representation. ~~one to serve a term of one year, one to serve~~
11 ~~a term of two years, and two to serve a term~~ SUCH MEMBERS SHALL SERVE
12 TERMS of three years. No such member shall have any direct involvement
13 or interest in the provision of psychotherapy; except that such member
14 may be or may have been a consumer of such services.

15 (3) Three members of the grievance board shall be unlicensed
16 psychotherapists, ~~and~~ shall be appointed by the governor, ~~on July 1,~~
17 ~~1998. The initial term of one of the three unlicensed psychotherapist~~
18 ~~members shall be two years, one shall be three years, and one shall be~~
19 AND SHALL SERVE TERMS OF four years.

20 (4) ~~The terms of the members serving on the state grievance board~~
21 ~~as it existed prior to July 1, 1998, shall expire on June 30, 1998.~~

22 **SECTION 22.** 12-43-702.5 (3) and (4), Colorado Revised
23 Statutes, are amended to read:

24 **12-43-702.5. Data base of unlicensed psychotherapists -**
25 **violation - penalty - data collection.** (3) ~~On and after July 1, 1998~~, No
26 unlicensed person may practice psychotherapy if such person is not
27 included in the data base required by this section. Any person who

1 violates the provisions of this subsection (3) commits a class 3
2 misdemeanor and shall be punished as provided in section 18-1.3-501,
3 C.R.S. Notwithstanding the requirements of this section, no unlicensed
4 psychotherapist may use the term "registered", "regulated", "certified",
5 "clinical", "state-registered", OR "state-approved". ~~or any other term,
6 abbreviation, or symbol that would falsely give the impression that the
7 psychotherapist or the service that is being provided is recommended or
8 approved by the state, based solely on inclusion in the data base.~~

9 (4) ~~On and after July 1, 2000;~~ No person may be listed by the
10 grievance board pursuant to this section unless such person has
11 successfully completed a WRITTEN, MAIL-IN jurisprudence ~~workshop and
12 corresponding~~ examination DEVELOPED AND approved by the ~~board or the
13 equivalent of such workshop and examination as determined by the board~~
14 DEPARTMENT OF REGULATORY AGENCIES.

15 **SECTION 23.** 12-43-710, Colorado Revised Statutes, is amended
16 to read:

17 **12-43-710. Jurisdiction.** ~~All investigations completed or in
18 progress pursuant to sections 12-43-703 and 12-43-705 as said sections
19 existed on June 30, 1998, including those cases that have been referred
20 to hearing or are before an administrative law judge, shall be referred to
21 the board that licenses, registers, or regulates the person being
22 investigated or adjudicated. If the licensee, registrant, or unlicensed
23 psychotherapist is regulated by more than one board, the investigation or
24 case being adjudicated shall be referred to the board as determined by the
25 director of the division of registrations for final adjudication. ~~All actions
26 taken and decisions rendered by the grievance board prior to July 1, 1998,
27 are hereby ratified.~~~~

1 (f) COUNSELING THAT ENCOMPASSES THE USE OF SPECIAL SKILLS
2 TO ASSIST INDIVIDUALS, FAMILIES, OR GROUPS IN ACHIEVING OBJECTIVES
3 ESTABLISHED IN THE TREATMENT PLAN;

4 (g) CASE MANAGEMENT ACTIVITIES THAT BRING TOGETHER
5 SERVICES, AGENCIES, RESOURCES, OR INDIVIDUALS FOR THE PURPOSE OF
6 ACHIEVING THE GOALS OUTLINED IN THE TREATMENT PLAN;

7 (h) CRISIS INTERVENTION THAT RESPONDS TO A CLIENT'S NEEDS
8 DURING ACUTE EMOTIONAL OR PHYSICAL DISTRESS;

9 (i) CLIENT EDUCATION TO PROVIDE INFORMATION TO AN
10 INDIVIDUAL OR A GROUP CONCERNING ALCOHOL OR DRUG ABUSE AND THE
11 AVAILABLE SERVICES AND RESOURCES;

12 (j) REFERRING A CLIENT TO SUPPORT SYSTEMS, COMMUNITY
13 RESOURCES, OR HEALTH CARE PROFESSIONALS TO ASSIST THE CLIENT WITH
14 NEEDS THAT MAY NOT BE MET BY THE ADDICTION COUNSELOR;

15 (k) REPORTING AND RECORD-KEEPING TO CHART THE RESULTS OF
16 AN ASSESSMENT AND TREATMENT PLAN, INCLUDING THE PREPARATION OF
17 REPORTS, PROGRESS NOTES, DISCHARGE SUMMARIES, AND OTHER
18 CLIENT-RELATED DATA;

19 (l) CONSULTING WITH OTHER ADDICTION COUNSELORS, HEALTH
20 CARE PROFESSIONALS, OR MENTAL HEALTH PROFESSIONALS TO ENSURE
21 COMPREHENSIVE AND QUALITY CARE FOR THE CLIENT; AND

22 (m) THE MAINTENANCE OF ETHICAL ADDICTION
23 COUNSELOR-CLIENT RELATIONSHIPS.

24 (2) "BOARD" MEANS THE STATE BOARD OF ADDICTION
25 COUNSELORS, CREATED IN SECTION 12-43-802.

26 (3) "CERTIFIED ADDICTION COUNSELOR" MEANS AN INDIVIDUAL
27 WHO HAS A CERTIFICATE, ISSUED BY THE DIRECTOR OF THE DIVISION OF

1 REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, TO
2 PRACTICE ADDICTION COUNSELING.

3 (4) "LICENSED ADDICTION COUNSELOR" MEANS A PERSON WHO
4 RENDERS ADDICTION COUNSELING TO AN INDIVIDUAL, GROUP, OR
5 ORGANIZATION AND WHO HOLDS A LICENSE ISSUED BY THE DIRECTOR OF
6 THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF
7 REGULATORY AGENCIES.

8 **12-43-802. State board of addiction counselor examiners -**
9 **creation.** (1) THERE IS HEREBY CREATED, UNDER THE SUPERVISION AND
10 CONTROL OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF
11 REGULATORY AGENCIES, THE STATE BOARD OF ADDICTION COUNSELORS,
12 WHICH SHALL CONSIST OF SEVEN MEMBERS WHO ARE CITIZENS OF THE
13 UNITED STATES AND RESIDENTS OF THE STATE OF COLORADO.

14 (2) THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE
15 GOVERNOR AS FOLLOWS:

16 (a) TWO BOARD MEMBERS SHALL BE LICENSED ADDICTION
17 COUNSELORS AND ONE BOARD MEMBER SHALL BE A CERTIFIED ADDICTION
18 COUNSELOR.

19 (b) FOUR BOARD MEMBERS SHALL BE REPRESENTATIVES OF THE
20 GENERAL PUBLIC. NONE OF THESE INDIVIDUALS SHALL AT ANY TIME HAVE
21 BEEN AN ADDICTION COUNSELOR, AN APPLICANT OR FORMER APPLICANT
22 FOR LICENSURE OR CERTIFICATION AS AN ADDICTION COUNSELOR, A
23 MEMBER OF ANOTHER MENTAL HEALTH PROFESSION, OR A MEMBER OF A
24 HOUSEHOLD THAT INCLUDES AN ADDICTION COUNSELOR OR A MEMBER OF
25 ANOTHER MENTAL HEALTH PROFESSION OR OTHERWISE HAVE CONFLICTS
26 OF INTEREST, OR THE APPEARANCE OF SUCH CONFLICTS, WITH HIS OR HER
27 DUTIES AS A BOARD MEMBER.

1 (3) THE TERM OF EACH BOARD MEMBER SHALL BE FOUR YEARS AND
2 EACH BOARD MEMBER SHALL HOLD OFFICE UNTIL THE EXPIRATION OF SUCH
3 MEMBER'S APPOINTED TERM OR UNTIL A SUCCESSOR IS DULY APPOINTED;
4 EXCEPT THAT THE INITIAL TERM OF ONE LICENSED ADDICTION COUNSELOR
5 AND TWO MEMBERS OF THE PUBLIC SHALL BE THREE YEARS. ANY
6 VACANCY OCCURRING IN BOARD MEMBERSHIP OTHER THAN BY EXPIRATION
7 OF A TERM SHALL BE FILLED BY THE GOVERNOR BY APPOINTMENT FOR THE
8 REMAINDER OF THE UNEXPIRED TERM OF SUCH MEMBER.

9 (4) NO BOARD MEMBER SHALL SERVE MORE THAN TWO FULL
10 CONSECUTIVE TERMS.

11 (5) THE GOVERNOR MAY REMOVE A BOARD MEMBER FOR
12 MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY AFTER GIVING THE
13 BOARD MEMBER A WRITTEN STATEMENT OF THE CHARGES AND AN
14 OPPORTUNITY TO BE HEARD THEREON. ACTIONS CONSTITUTING NEGLECT
15 OF DUTY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FAILURE OF A
16 BOARD MEMBER TO ATTEND THREE CONSECUTIVE MEETINGS OR THE
17 FAILURE TO ATTEND AT LEAST THREE-QUARTERS OF THE TOTAL NUMBER OF
18 MEETINGS IN ANY CALENDAR YEAR.

19 (6) EACH BOARD MEMBER SHALL RECEIVE A CERTIFICATE OF
20 APPOINTMENT FROM THE GOVERNOR.

21 **12-43-803. Rules - certification - licensure - addiction**
22 **counselors.** (1) THE BOARD SHALL PROMULGATE RULES WHICH SHALL
23 INCLUDE, BUT SHALL NOT BE LIMITED TO:

24 (a) A REQUIREMENT THAT ADDICTION COUNSELORS, IN ORDER TO
25 PARTICIPATE IN PUBLIC PROGRAMS OR TO PROVIDE PURCHASED SERVICES
26 AND CERTIFICATION REQUIREMENTS THEREFOR, SHALL MEET STANDARDS
27 ESTABLISHED BY THE BOARD OF HUMAN SERVICES BY RULE. IN ADDITION

1 TO ADDICTION COUNSELORS SPECIFICALLY AUTHORIZED TO BE CERTIFIED
2 OR LICENSED FOR APPROVED PROGRAMS PURSUANT TO PART 2 OF ARTICLE
3 1 OF TITLE 25, C.R.S., THE BOARD MAY CERTIFY OR LICENSE ADDICTION
4 COUNSELORS, UPON INDIVIDUAL APPLICATION, WORKING FOR ANY
5 ALCOHOL OR DRUG ABUSE TREATMENT PROGRAM REQUIRED AS A
6 CONDITION OF PROBATION UNDER PART 2 OF ARTICLE 11 OF TITLE 16,
7 C.R.S., ANY ALCOHOL OR DRUG ABUSE PROGRAM ADMINISTERED BY THE
8 DIVISION OF ADULT SERVICES UNDER ARTICLE 2 OF TITLE 17, C.R.S., ANY
9 COMMUNITY CORRECTIONS FACILITY OR PROGRAM ADMINISTERED UNDER
10 ARTICLE 27 OF TITLE 17, C.R.S., AND ANY ALCOHOL OR DRUG ABUSE
11 TREATMENT PROGRAM ADMINISTERED BY THE DIVISION OF YOUTH
12 CORRECTIONS UNDER TITLE 19, C.R.S.

13 (b) A REQUIREMENT THAT ADDICTION COUNSELORS COMPLY WITH
14 SECTION 12-43-222, IN ORDER TO OBTAIN AND MAINTAIN CERTIFICATION
15 OR LICENSURE.

16 (c) PROCEDURES FOR DISCIPLINARY ACTIONS AGAINST CERTIFIED
17 OR LICENSED ADDICTION COUNSELORS FOR PROHIBITED OR UNLAWFUL
18 ACTS, WHICH PROCEDURES ARE CONSISTENT WITH THE PROCEDURES
19 ESTABLISHED IN SECTIONS 12-43-212, 12-43-221, AND 12-43-223 TO
20 12-43-227.

21 (d) (I) PROCEDURES AND REQUIREMENTS FOR LICENSURE OF
22 ADDICTION COUNSELORS. SUCH RULES SHALL BE CONSISTENT WITH
23 EDUCATIONAL REQUIREMENTS NECESSARY TO COMPLY WITH THE UNIFORM
24 EDUCATIONAL STANDARDS SET BY THE NATIONAL ASSOCIATION OF
25 ALCOHOLISM AND DRUG ABUSE COUNSELORS OR ITS SUCCESSOR
26 ORGANIZATION, AND SUCH REQUIREMENTS SHALL INCLUDE:

27 (A) MEETING THE REQUIREMENTS FOR A CERTIFICATE OF

1 ADDICTION COUNSELING, LEVEL III;

2 (B) POSSESSING A MASTER'S DEGREE IN THE SOCIAL SCIENCES OR
3 AN EQUIVALENT PROGRAM, AS DETERMINED APPROPRIATE BY THE
4 DIRECTOR OF THE DIVISION OF REGISTRATIONS; AND

5 (C) PASSING A NATIONAL EXAM ADMINISTERED BY EITHER THE
6 NATIONAL ASSOCIATION OF ALCOHOLISM AND DRUG ABUSE COUNSELORS
7 OR THE INTERNATIONAL CERTIFICATION RECIPROCITY CONSORTIUM, OR BY
8 THE SUCCESSOR OF EITHER ORGANIZATION.

9 (II) THE FOLLOWING PERSONS, WHO SHALL BE IN GOOD STANDING
10 IN THEIR PROFESSIONS, MAY PROVIDE ADDICTION COUNSELING WITHOUT
11 BECOMING LICENSED PURSUANT TO THIS PARAGRAPH (d):

12 (A) ANY HEALTH CARE PROFESSIONAL LICENSED OR REGISTERED
13 PURSUANT TO ARTICLE 36, 38, OR 43 OF TITLE 12, ACTING WITHIN SUCH
14 PROFESSIONAL'S SCOPE OF PRACTICE;

15 (B) SCHOOL PSYCHOLOGISTS LICENSED PURSUANT TO PART 2 OF
16 ARTICLE 60.5 OF TITLE 22, C.R.S., ACTING WITHIN THE SCOPE OF THEIR
17 EMPLOYMENT AS SCHOOL PSYCHOLOGISTS; AND

18 (C) CERTIFIED ADDICTION COUNSELORS.

19 (III) A PERSON DESCRIBED IN SUBPARAGRAPH (II) OF THIS
20 PARAGRAPH (d) SHALL NOT USE THE NAME, TITLE, OR DESIGNATION OF A
21 LICENSED ADDICTION COUNSELOR UNLESS SUCH PERSON IS ALSO A
22 LICENSED ADDICTION COUNSELOR.

23 (2) ON OR BEFORE JANUARY 1, 2005, THE DIRECTOR OF THE
24 DIVISION OF REGISTRATIONS SHALL ISSUE A LICENSE TO ANY PERSON WHO
25 HOLDS A VALID CERTIFICATION FROM THE DIRECTOR OF THE DIVISION OF
26 REGISTRATIONS AS A CERTIFIED ADDICTION COUNSELOR AND WHO:

27 (a) IS IN GOOD STANDING WITH THE DIRECTOR;

- 1 (b) HAS SUBMITTED AN APPLICATION AND APPLICATION FEE;
2 (c) AGREES TO ABIDE BY THE PROCEDURES DESCRIBED IN
3 PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION; AND
4 (d) MEETS THE REQUIREMENTS FOR LICENSURE AS PROMULGATED
5 BY THE BOARD.

6 (3) NOTHING IN THIS SECTION SHALL PRECLUDE OR ELIMINATE
7 PROFESSIONAL PRACTICE BY A PERSON WHO IS CERTIFIED AS AN ALCOHOL
8 COUNSELOR LEVEL I, II, OR III THAT IS WITHIN THE PERSON'S SCOPE OF
9 PRACTICE.

10 **SECTION 25.** 24-34-102 (14), Colorado Revised Statutes, is
11 amended to read:

12 **24-34-102. Division of registrations - creation - duties of**
13 **division and department heads - definitions.** (14) On and after July 1,
14 1998, the authority vested in the department of human services and the
15 board of human services to certify and discipline certified or licensed
16 addiction counselors is transferred to the director of the division of
17 registrations in the department of regulatory agencies. The department
18 of human services and board of human services shall continue to exercise
19 all other rights, powers, duties, functions, and obligations vested in those
20 entities concerning certified or licensed addiction counselors pursuant to
21 part 2 of article 1 of title 25, C.R.S. ~~The director of the division of~~
22 ~~registrations may promulgate rules, which shall include, but shall not be~~
23 ~~limited to:~~ ON AND AFTER JULY 1, 2004, THE AUTHORITY VESTED IN THE
24 DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY
25 AGENCIES TO CERTIFY AND DISCIPLINE CERTIFIED OR LICENSED ADDICTION
26 COUNSELORS IS TRANSFERRED TO THE STATE BOARD OF ADDICTION
27 COUNSELORS CREATED IN SECTION 12-43-802, C.R.S.

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

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

24 ~~(c) A requirement that addiction counselors shall comply with~~
25 ~~section 12-43-222, C.R.S., in order to obtain and maintain certification~~
26 ~~or licensure.~~

27 ~~(d) Procedures for disciplinary actions against certified or licensed~~

1 ~~addiction counselors for prohibited or unlawful acts, which procedures~~
2 ~~are consistent with the procedures established in sections 12-43-212,~~
3 ~~12-43-221, 12-43-223, 12-43-224, 12-43-225, 12-43-226, and 12-43-227,~~
4 ~~C.R.S.~~

5 ~~(e)(I) **Procedures and requirements for licensure for addiction**~~
6 ~~**counselors.** Rules promulgated by the director of the division of~~
7 ~~registrations shall be consistent with the educational requirements~~
8 ~~necessary to comply with uniform educational standards set by the~~
9 ~~national association of alcoholism and drug abuse counselors or its~~
10 ~~successor organization, and such requirements shall include:~~

11 ~~(A) Holding a valid certificate of addiction counseling, level III;~~

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

15 ~~(C) Passing a national exam administered by either the national~~
16 ~~association of alcoholism and drug abuse counselors or the international~~
17 ~~certification reciprocity consortium, or by the successor of either~~
18 ~~organization.~~

19 ~~(H) The following persons, who shall be in good standing in their~~
20 ~~professions, may provide addiction counseling without becoming licensed~~
21 ~~pursuant to this subsection (14):~~

22 ~~(A) Any licensed or registered health care professional pursuant~~
23 ~~to article 36, 38, or 43 of title 12, C.R.S., acting within such~~
24 ~~professional's scope of practice;~~

25 ~~(B) School psychologists pursuant to part 2 of article 60.5 of title~~
26 ~~22, C.R.S., acting within the scope of their employment as school~~
27 ~~psychologists; and~~

1 ~~(C) Certified addiction counselors.~~

2 ~~(III) A person described in subparagraph (II) of this paragraph (e)~~
3 ~~shall not use the name, title, or designation of a licensed addiction~~
4 ~~counselor unless such person is also a licensed addiction counselor.~~

5 ~~(IV) On or before January 1, 2002, the director of the division of~~
6 ~~registrations shall issue a license to any person who holds a valid~~
7 ~~certification from the director of the division of registrations as a certified~~
8 ~~addiction counselor and who:~~

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

10 ~~(B) Has submitted an application and application fee; and~~

11 ~~(C) Agrees to abide by the procedures described in paragraph (d)~~
12 ~~of this subsection (14).~~

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

16 ~~(g) As used in this subsection (14), unless the context otherwise~~
17 ~~requires:~~

18 ~~(I) "Addiction counseling" consists of the application of general~~
19 ~~counseling theories and treatment methods adopted specifically for~~
20 ~~alcohol and drug theory and research for the express purpose of treating~~
21 ~~alcohol and drug problems. Addiction counseling includes, but is not~~
22 ~~limited to, the following:~~

23 ~~(A) Screening clients by means of a process in which a client is~~
24 ~~determined to be an appropriate candidate and eligible for admission to~~
25 ~~a particular program of treatment;~~

26 ~~(B) An intake assessment through an administrative and initial~~
27 ~~interview for admission into a treatment program;~~

1 ~~(C) Orientation to describe to the client the general nature and~~
2 ~~goals of the program and the client's rights in accordance with section~~
3 ~~12-43-214, C.R.S.;~~

4 ~~(D) An assessment including those procedures by which an~~
5 ~~addiction counselor identifies and evaluates a client's strengths,~~
6 ~~weaknesses, problems, and needs in preparation of a treatment plan;~~

7 ~~(E) A treatment plan that includes identification of the problems~~
8 ~~necessitating resolution, establishment of short-term and long-term goals,~~
9 ~~and the establishment of a treatment process;~~

10 ~~(F) Counseling that encompasses the use of special skills to assist~~
11 ~~individuals, families, or groups in achieving objectives established in the~~
12 ~~treatment plan;~~

13 ~~(G) Case management activities that bring together services,~~
14 ~~agencies, resources, or individuals for the purpose of achieving the goals~~
15 ~~outlined in the treatment plan;~~

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

18 ~~(I) Client education to provide information to an individual or~~
19 ~~group concerning alcohol or drug abuse and the available services and~~
20 ~~resources;~~

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

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

27 ~~(L) Consulting with other addiction counselors, health care~~

1 professionals, or mental health professionals to ensure comprehensive and
2 quality care for the client; and

3 ~~(M) The maintenance of the ethical addiction counselor-client~~
4 ~~relationships pursuant to paragraph (d) of this subsection (14).~~

5 ~~(H) "Certified addiction counselor" means an individual who has~~
6 ~~a certificate issued by the director of the division of registrations within~~
7 ~~the department of regulatory agencies to practice addiction counseling.~~

8 ~~(HH) "Licensed addiction counselor" means a person who renders~~
9 ~~addiction counseling to an individual, group, or organization and who~~
10 ~~holds a license issued by the director of the division of registrations~~
11 ~~within the department of regulatory agencies.~~

12 **SECTION 26.** 25-1-207 (1) (d), Colorado Revised Statutes, is
13 amended to read:

14 **25-1-207. Rules.** (1) The state board of human services, created
15 in section 26-1-107, C.R.S., has the power to promulgate rules governing
16 the provisions of this part 2. Such rules may include, but shall not be
17 limited to:

18 (d) Standards that must be met by addiction counselors to
19 participate in public programs or to provide purchased services and
20 certification requirements necessary to be certified by the director of the
21 division of registrations, pursuant to section ~~24-34-102 (14)~~ 12-43-803,
22 C.R.S.

23 **SECTION 27.** 13-90-107 (1) (g), Colorado Revised Statutes, is
24 amended to read:

25 **13-90-107. Who may not testify without consent.** (1) There are
26 particular relations in which it is the policy of the law to encourage
27 confidence and to preserve it inviolate; therefore, a person shall not be

1 examined as a witness in the following cases:

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

20 **SECTION 28. Repeal.** 24-34-104 (34) (g), Colorado Revised
21 Statutes, is repealed as follows:

22 **24-34-104. General assembly review of regulatory agencies and**
23 **functions for termination, continuation, or reestablishment.** (34) The
24 following agencies, functions, or both, shall terminate on July 1, 2004:

25 (g) ~~Notwithstanding paragraph (a) of subsection (11) of this~~
26 ~~section, boards relating to the licensing of and grievances against any~~
27 ~~person regulated, registered, or licensed pursuant to the provisions of~~

1 ~~article 43 of title 12, C.R.S., and created pursuant to article 43 of title 12,~~
2 ~~C.R.S.;~~

3 **SECTION 29.** 24-34-104 (42), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **24-34-104. General assembly review of regulatory agencies and**
6 **functions for termination, continuation, or reestablishment.** (42) The
7 following agencies, functions, or both, shall terminate on July 1, 2011:

8 (g) NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (11) OF
9 THIS SECTION, BOARDS RELATING TO THE LICENSING OF AND GRIEVANCES
10 AGAINST ANY PERSON REGULATED, REGISTERED, OR LICENSED PURSUANT
11 TO THE PROVISIONS OF ARTICLE 43 OF TITLE 12, C.R.S., AND CREATED
12 PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S.

13 **SECTION 30.** 27-10-105 (1) (a), Colorado Revised Statutes, is
14 amended to read:

15 **27-10-105. Emergency procedure.** (1) Emergency procedure
16 may be invoked under either one of the following two conditions:

17 (a) When any person appears to be mentally ill and, as a result of
18 such mental illness, appears to be an imminent danger to others or to
19 himself or herself or appears to be gravely disabled, then a peace officer;
20 a professional person; a registered professional nurse as defined in
21 section 12-38-103 (11), C.R.S., who by reason of postgraduate education
22 and additional nursing preparation has gained knowledge, judgment, and
23 skill in psychiatric or mental health nursing; a licensed marriage and
24 family therapist or licensed professional counselor, licensed under the
25 provisions of part 5 or 6 of article 43 of title 12, C.R.S., who by reason
26 of postgraduate education and additional preparation has gained
27 knowledge, judgment, and skill in psychiatric or clinical mental health

1 therapy, forensic psychotherapy, or the evaluation of mental disorders; ~~or~~
2 a licensed clinical social worker licensed under the provisions of part 4
3 of article 43 of title 12, C.R.S.; OR AN ADDICTION COUNSELOR LICENSED
4 PURSUANT TO SECTION 24-34-102 (14) (e) (IV), C.R.S., each of whom is
5 referred to in this section as the "intervening professional", upon probable
6 cause and with such assistance as may be required, may take the person
7 into custody, or cause the person to be taken into custody, and placed in
8 a facility designated or approved by the executive director for a
9 seventy-two-hour treatment and evaluation.

10 **SECTION 31. Effective date - applicability.** This act shall take
11 effect July 1, 2004, and shall apply to acts occurring on or after said date.

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