A BILL FOR AN ACT

CONCERNING CONTINUATION OF THE REGULATION OF MENTAL HEALTH PROFESSIONALS BY THE DEPARTMENT OF REGULATORY 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
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.

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1 Be it enacted by the General Assembly of the State of Colorado:
SECTION 1. 12-43-203 (2) (a), Colorado Revised Statutes, is amended to read:

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

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

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

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

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

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

(g) BY A PERSON LICENSED OR CERTIFIED PURSUANT TO THIS ARTICLE, OR BY AN UNLICENSED PSYCHOTHERAPIST PRACTICING IN A HOSPITAL THAT IS LICENSED OR CERTIFIED UNDER SECTION 25-1.5-103 (1)

(a) (I) OR (1) (a) (II), C.R.S.

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

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

(7) The provisions of this article shall not apply to MENTAL HEALTH PROFESSIONALS ACTING WITHIN THE SCOPE OF A COURT
APPOINTMENT TO UNDERTAKE custodial evaluations undertaken in
domestic relations cases in the courts of this state or TO MENTAL HEALTH
PROFESSIONALS ACTING WITHIN THE SCOPE OF A COURT APPOINTMENT TO
UNDERTAKE domestic and child abuse evaluations undertaken for
purposes of legal proceedings in the courts of this state.

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

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

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

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

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

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

12-43-224. Disciplinary proceedings - judicial review - mental
and physical examinations - multiple licenses. (3) Disciplinary actions
may consist of the following:
(d) **Issuance of letters of admonition.** Such letters shall be sent by certified mail to the licensee, registrant, or unlicensed psychotherapist against whom a complaint was made. The letter shall advise the licensee, registrant, or unlicensed psychotherapist that he or she may, within twenty days after receipt of the letter, make a written request to the board that issued the letter to institute formal disciplinary proceedings in order to formally adjudicate the conduct or acts on which the letter was based.

**SECTION 7.** Part 2 of article 43 of title 12, Colorado Revised Statutes, is amended by the addition of a new section to read:

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

(1) (a) On or after the effective date of this act, as a condition of registration or licensure under this article, every applicant shall pay to the administering entity that has been selected by the department of regulatory agencies an amount not to exceed twenty-eight dollars per year, which amount shall be used to support designated providers that have been selected by the department to provide assistance to mental health professionals needing help in dealing with physical, emotional, or psychological problems that may be detrimental to their ability to practice as mental health professionals.

(b) The department shall select one or more peer health assistance programs as designated providers. To be eligible for designation by the board, a peer health assistance program shall be able to:

(I) Provide for the education of mental health
PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF
PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL PROBLEMS AND PROVIDE FOR
INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES THAT MAY
BE DETERMINED BY RULES PROMULGATED BY THE BOARD;

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

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

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

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

(VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD;

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

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

(d) The responsibilities of the administering entity shall be:

(I) To collect the required annual payments;

(II) To verify to the Department of Regulatory Agencies, in a manner acceptable to the Department, the names of all mental health professional applicants who have paid the fee set by the Department;

(III) To distribute the moneys collected, less expenses, to the designated providers, as directed by the Department of Regulatory Agencies;

(IV) To provide an annual accounting to the Department of Regulatory Agencies of all amounts collected, expenses incurred, and amounts disbursed; and

(V) To post a surety performance bond in an amount specified by the Department of Regulatory Agencies to secure performance under the requirements of this section. The administering entity may recover the actual administrative costs incurred in performing its duties under this section in an amount not to exceed ten percent of the total amount collected.

(2) (a) Any mental health professional who is a referred participant in a peer health assistance program shall enter into a written agreement with the applicable board of examiners or the director prior to such mental health professional becoming a participant in such program. Such agreement shall contain specific requirements and goals to be met by the participant,
INCLUDING THE CONDITIONS UNDER WHICH PARTICIPATION IN THE
PROGRAM WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A
PROVISION THAT FAILURE TO COMPLY WITH SUCH REQUIREMENTS AND
GOALS SHALL BE PROMPTLY REPORTED TO THE APPLICABLE BOARD OF
EXAMINERS OR TO THE DIRECTOR AND THE COMMITTEE, AND THAT SUCH
FAILURE SHALL RESULT IN DISCIPLINARY ACTION BY THE APPLICABLE
BOARD OF EXAMINERS.

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

(c) ANY MENTAL HEALTH PROFESSIONAL WHO IS ACCEPTED INTO
A PEER HEALTH ASSISTANCE PROGRAM IN LIEU OF DISCIPLINARY ACTION BY
THE APPLICABLE BOARD OF EXAMINERS SHALL AFFIRM THAT, TO THE BEST
OF HIS OR HER KNOWLEDGE, INFORMATION, AND BELIEF, THE
PROFESSIONAL KNOWS OF NO INSTANCE IN WHICH HE OR SHE HAS
VIOLATED THIS ARTICLE OR THE RULES OF THE BOARD, EXCEPT IN THOSE
INSTANCES AFFECTED BY THE PROFESSIONAL’S PHYSICAL, EMOTIONAL, OR
PSYCHOLOGICAL PROBLEMS.
(3) **Nothing in this section shall be construed to create** any liability on behalf of the board or the state of Colorado for the actions of the board or the committee members in making grants to peer assistance programs, and no civil action may be brought or maintained against the board, the committee members, or the state for an injury alleged to have been the result of the activities of any state-funded peer assistance program or the result of an act or omission of a mental health professional participating in or referred by a state-funded peer assistance program. However, the state shall remain liable under the provisions of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., if an injury alleged to have been the result of an act or omission of a mental health professional participating in or referred by a state-funded peer assistance program occurred while such mental health professional was performing duties as an employee of the state.

(4) The Department of Regulatory Agencies is authorized to promulgate rules necessary to implement the provisions of this section.

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

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

**SECTION 9.** 12-43-302 (4) and (6), Colorado Revised Statutes,
are amended to read:

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

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

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

12-43-304. **Qualifications - examinations - licensure.** (1) The
board shall issue a license as a psychologist, and issue an appropriate
license certificate, to each applicant who files an application upon a form
and in such manner as the board prescribes, accompanied by such fee as
is required by the board, and who furnishes evidence satisfactory to the
board that he or she:

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

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

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

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

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

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

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

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

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

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

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

(3) Each board member shall hold office until the expiration of
such member's appointed term or until a successor is duly appointed.
except as provided in this subsection (3). On or before July 1, 1998, the
governor shall remove two of the five licensed clinical social workers
serving on the board as it existed on June 30, 1998, in compliance with
subsection (2) of this section. On or before July 1, 1998, the governor
shall appoint two additional public members to the board. The initial
term of one of the additional public members to be appointed to the board shall be three years, and the other additional public member shall be appointed for a term of four years. On or before July 1, 1999, the governor shall remove one of the three licensed clinical social workers serving on the board in compliance with subsection (2) of this section. On or before July 1, 1999, the governor shall appoint a licensed independent social worker to the board. The initial term of the licensed independent social worker to be appointed to the board shall be three years. Thereafter, the term of each member shall be four years. Any vacancy occurring in board membership other than by expiration of a term shall be filled by the governor by appointment for the remainder of the unexpired term of such member.

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

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

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

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

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

(c) Demonstrates professional competence by satisfactorily passing an examination in social work and a written, mail-in jurisprudence examination administered by the department of regulatory agencies.

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

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

(b) Has obtained a master's or doctorate degree from a graduate school of social work;
(c) Has practiced social work for at least two years under the supervision of a licensed independent social worker or licensed clinical social worker; and

(d) Demonstrates professional competence by satisfactorily passing an examination in social work that may be written, oral, or both, as prescribed by the board and a written, mail-in jurisprudence examination administered by the Department of Regulatory Agencies.

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

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

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

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

(4) Upon investigation of the application for a certificate and other evidence submitted, the board shall, not less than thirty days prior to the examination, notify each applicant that the application and evidence submitted for licensure or registration are satisfactory and
accepted or unsatisfactory and rejected. If the application is rejected, said notice shall state the reasons for such rejection and provide suggestions for the preparation of reapplying A NEW APPLICATION.

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

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

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

12-43-406. Scope of part. (2) No person may state that he or she is engaged in the practice of social work as a social worker, or refer to himself or herself as a social worker, unless such person is licensed or registered pursuant to this part 4 HAS ATTAINED A MASTER’S OF SOCIAL WORK OR A HIGHER SOCIAL WORK DEGREE OR ATTAINED A BACHELOR’S DEGREE IN SOCIAL WORK, WAS PRACTICING IN THE PROFESSION, AND WAS
REGISTERED AS A SOCIAL WORKER PRIOR TO THE EFFECTIVE DATE OF THIS
SECTION. No person may practice as a clinical social worker unless
licensed pursuant to section 12-43-404 (2). or licensed or registered to
practice social work and supervised pursuant to section 12-43-404 (2) or
(3):

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

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

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

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

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

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

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

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

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

12-43-602. State board of licensed professional counselor examiners. (2) (c) On or before July 1, 1998, the governor shall remove two of the five licensed professional counselors serving on the board as it existed on June 30, 1998, in compliance with this subsection (2). On or before July 1, 1998, the governor shall appoint two additional public
members to the board. The initial terms of one of the additional public
members shall be three years, and the other additional member shall be
appointed for a term of four years.

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

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

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

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

(e) Has demonstrated professional competence by passing an
examination in professional counseling demonstrating special knowledge
and skill in applied psychotherapy as prescribed by the board AND A
WRITTEN, MAIL-IN JURISPRUDENCE EXAMINATION ADMINISTERED BY THE
DEPARTMENT OF REGULATORY AGENCIES.

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

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

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

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

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

12-43-702.5. Data base of unlicensed psychotherapists -
violation - penalty - data collection. (3) On and after July 1, 1998; No
unlicensed person may practice psychotherapy if such person is not
included in the data base required by this section. Any person who
violates the provisions of this subsection (3) commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S. Notwithstanding the requirements of this section, no unlicensed psychotherapist may use the term "registered", "regulated", "certified", "clinical", "state-registered", OR "state-approved". or any other term, abbreviation, or symbol that would falsely give the impression that the psychotherapist or the service that is being provided is recommended or approval by the state, based solely on inclusion in the data base.

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

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

12-43-710. Jurisdiction. All investigations completed or in progress pursuant to sections 12-43-703 and 12-43-705 as said sections existed on June 30, 1998, including those cases that have been referred to hearing or are before an administrative law judge, shall be referred to the board that licenses, registers, or regulates the person being investigated or adjudicated. If the licensee, registrant, or unlicensed psychotherapist is regulated by more than one board, the investigation or case being adjudicated shall be referred to the board as determined by the director of the division of registrations for final adjudication. All actions taken and decisions rendered by the grievance board prior to July 1, 1998, are hereby ratified.
SECTION 24. Article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 8

ADDICTION COUNSELORS

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

(1) "Addiction counseling" means the application of general counseling theories and treatment methods adopted specifically for alcohol and drug theory and research for the express purpose of treating alcohol and drug problems. Addiction counseling includes, but is not limited to, the following:

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

(b) An intake assessment through an administrative and initial interview for admission into a treatment program;

(c) Orientation to describe to the client the general nature and goals of the program and the client’s rights in accordance with section 12-43-214;

(d) An assessment including those procedures by which an addiction counselor identifies and evaluates a client’s strengths, weaknesses, problems, and needs in preparation of a treatment plan;

(e) A treatment plan that includes identification of the problems necessitating resolution, establishment of short- and long-term goals, and the establishment of a treatment process;
(f) Counseling that encompasses the use of special skills to assist individuals, families, or groups in achieving objectives established in the treatment plan;

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

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

(i) Client education to provide information to an individual or a group concerning alcohol or drug abuse and the available services and resources;

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

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

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

(m) The maintenance of ethical addiction counselor-client relationships.

(2) "Board" means the state board of addiction counselors, created in section 12-43-802.

(3) "Certified addiction counselor" means an individual who has a certificate, issued by the director of the division of
REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, TO
PRACTICE ADDICTION COUNSELING.

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

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

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

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

(b) FOUR BOARD MEMBERS SHALL BE REPRESENTATIVES OF THE
GENERAL PUBLIC. NONE OF THESE INDIVIDUALS SHALL AT ANY TIME HAVE
BEEN AN ADDICTION COUNSELOR, AN APPLICANT OR FORMER APPLICANT
FOR LICENSURE OR CERTIFICATION AS AN ADDICTION COUNSELOR, A
MEMBER OF ANOTHER MENTAL HEALTH PROFESSION, OR A MEMBER OF A
HOUSEHOLD THAT INCLUDES AN ADDICTION COUNSELOR OR A MEMBER OF
ANOTHER MENTAL HEALTH PROFESSION OR OTHERWISE HAVE CONFLICTS
OF INTEREST, OR THE APPEARANCE OF SUCH CONFLICTS, WITH HIS OR HER
DUTIES AS A BOARD MEMBER.
(3) The term of each board member shall be four years and each board member shall hold office until the expiration of such member’s appointed term or until a successor is duly appointed; except that the initial term of one licensed addiction counselor and two members of the public shall be three years. Any vacancy occurring in board membership other than by expiration of a term shall be filled by the governor by appointment for the remainder of the unexpired term of such member.

(4) No board member shall serve more than two full consecutive terms.

(5) The governor may remove a board member for misconduct, incompetence, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon. Actions constituting neglect of duty shall include, but not be limited to, the failure of a board member to attend three consecutive meetings or the failure to attend at least three-quarters of the total number of meetings in any calendar year.

(6) Each board member shall receive a certificate of appointment from the governor.

12-43-803. Rules - certification - licensure - addiction counselors. (1) The board shall promulgate rules which shall include, but shall not be limited to:

(a) A requirement that addiction counselors, in order to participate in public programs or to provide purchased services and certification requirements therefor, shall meet standards established by the board of human services by rule. In addition
TO ADDICTION COUNSELORS SPECIFICALLY AUTHORIZED TO BE CERTIFIED OR LICENSED FOR APPROVED PROGRAMS PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 25, C.R.S., THE BOARD MAY CERTIFY OR LICENSE ADDICTION COUNSELORS, UPON INDIVIDUAL APPLICATION, WORKING FOR ANY ALCOHOL OR DRUG ABUSE TREATMENT PROGRAM REQUIRED AS A CONDITION OF PROBATION UNDER PART 2 OF ARTICLE 11 OF TITLE 16, C.R.S., ANY ALCOHOL OR DRUG ABUSE PROGRAM ADMINISTERED BY THE DIVISION OF ADULT SERVICES UNDER ARTICLE 2 OF TITLE 17, C.R.S., ANY COMMUNITY CORRECTIONS FACILITY OR PROGRAM ADMINISTERED UNDER ARTICLE 27 OF TITLE 17, C.R.S., AND ANY ALCOHOL OR DRUG ABUSE TREATMENT PROGRAM ADMINISTERED BY THE DIVISION OF YOUTH CORRECTIONS UNDER TITLE 19, C.R.S.

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

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

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

(A) MEETING THE REQUIREMENTS FOR A CERTIFICATE OF
ADDICTION COUNSELING, LEVEL III;

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

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

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

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

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

(C) CERTIFIED ADDICTION COUNSELORS.

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

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

(a) IS IN GOOD STANDING WITH THE DIRECTOR;
(b) Has submitted an application and application fee;

(c) Agrees to abide by the procedures described in paragraph (c) of subsection (1) of this section; and

(d) Meets the requirements for licensure as promulgated by the board.

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

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

24-34-102. Division of registrations - creation - duties of division and department heads - definitions. (14) On and after July 1, 1998, the authority vested in the department of human services and the board of human services to certify and discipline certified or licensed addiction counselors is transferred to the director of the division of registrations in the department of regulatory agencies. The department of human services and board of human services shall continue to exercise all other rights, powers, duties, functions, and obligations vested in those entities concerning certified or licensed addiction counselors pursuant to part 2 of article 1 of title 25, C.R.S. The director of the division of registrations may promulgate rules, which shall include, but shall not be limited to: On and after July 1, 2004, the authority vested in the division of registrations in the department of regulatory agencies to certify and discipline certified or licensed addiction counselors is transferred to the state board of addiction counselors created in section 12-43-802, C.R.S.
(a) A requirement that addiction counselors, in order to participate in public programs or to provide purchased services and certification requirements therefor, shall meet standards established by the board of human services by rule. In addition to addiction counselors specifically authorized to be certified or licensed for approved programs pursuant to part 2 of article 1 of title 25, C.R.S., the director of the division of registrations in the department of regulatory agencies may certify or license addiction counselors, upon individual application, in any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 11 of title 16, C.R.S., any alcohol or drug abuse program administered by the division of adult services under article 2 of title 17, C.R.S., any community corrections facility or program administered under article 27 of title 17, C.R.S., and any alcohol or drug abuse treatment program administered by the division of youth corrections under title 19, C.R.S.

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

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

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

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

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

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

(C) Passing a national exam administered by either the national association of alcoholism and drug abuse counselors or the international certification reciprocity consortium, or by the successor of either organization:

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

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

(B) School psychologists pursuant to part 2 of article 60.5 of title 22, C.R.S., acting within the scope of their employment as school psychologists; and
(E) Certified addiction counselors:

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

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

(A) Is in good standing with the director;

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

(C) Agrees to abide by the procedures described in paragraph (d) of this subsection (14):

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

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

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

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

(B) An intake assessment through an administrative and initial interview for admission into a treatment program;
(E) Orientation to describe to the client the general nature and goals of the program and the client’s rights in accordance with section 12-43-214, C.R.S.;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Notwithstanding paragraph (a) of subsection (11) of this section, boards relating to the licensing of and grievances against any person regulated, registered, or licensed pursuant to the provisions of
SECTION 29. 24-34-104 (42), Colorado Revised Statutes, is amended by the addition of a new paragraph to read:

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

(g) Notwithstanding paragraph (a) of subsection (11) of this section, boards relating to the licensing of and grievances against any person regulated, registered, or licensed pursuant to the provisions of article 43 of title 12, C.R.S., and created pursuant to article 43 of title 12, C.R.S.;
therapy, forensic psychotherapy, or the evaluation of mental disorders; or a licensed clinical social worker licensed under the provisions of part 4 of article 43 of title 12, C.R.S.; OR AN ADDICTION COUNSELOR LICENSED PURSUANT TO SECTION 24-34-102 (14) (e) (IV), C.R.S., each of whom is referred to in this section as the "intervening professional", upon probable cause and with such assistance as may be required, may take the person into custody, or cause the person to be taken into custody, and placed in a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation.

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

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