

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

PREAMENDED

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

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
Appropriations

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) (I) 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. ■ ■ ■
18 A majority of each board shall constitute a quorum at any meeting or
19 hearing.

20 (II) ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT WHEN
21 A BOARD, OR AN ADMINISTRATIVE LAW JUDGE ACTING ON BEHALF OF A
22 BOARD, SPECIFICALLY DETERMINES THAT IT IS IN THE BEST INTEREST OF A
23 COMPLAINANT OR OTHER RECIPIENT OF SERVICES TO KEEP SUCH
24 PROCEEDINGS OR DOCUMENTS RELATING THERETO CLOSED TO THE PUBLIC;
25 OR WHEN THE LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST
26 IS IN VIOLATION OF SECTION 12-43-222; OR WHEN THE LICENSEE,
27 REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST IS PARTICIPATING IN

1 GOOD FAITH IN A PROGRAM APPROVED BY THE BOARD DESIGNED TO END
2 SUCH ADDICTION OR DEPENDENCY AND THE LICENSEE, REGISTRANT, OR
3 UNLICENSED PSYCHOTHERAPIST HAS NOT VIOLATED ANY PROVISIONS OF
4 THE BOARD'S ORDER REGARDING SUCH PERSON'S PARTICIPATION IN SUCH
5 TREATMENT PROGRAM. IF THE BOARD DETERMINES THAT IT IS IN THE BEST
6 INTEREST OF A COMPLAINANT OR OTHER RECIPIENT OF SERVICES TO KEEP
7 SUCH PROCEEDINGS OR DOCUMENTS RELATING THERETO CLOSED TO THE
8 PUBLIC, THEN THE FINAL ACTION OF THE BOARD SHALL BE CLOSED TO THE
9 PUBLIC WITHOUT DISCLOSING THE NAME OF THE CLIENT OR OTHER
10 RECIPIENT. IN ALL OPEN MEETINGS, THE BOARD SHALL TAKE REASONABLE
11 STEPS NOT TO DISCLOSE THE NAMES OF THE RECIPIENTS OF SERVICES.

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

14 **12-43-204. Fees - renewal.** (3.5) The director of the division of
15 registrations shall coordinate fee setting pursuant to this section so that
16 all licensees, registrants, and unlicensed psychotherapists pay fees as
17 required by this section and section 12-43-702.5 (1). ~~The fees for~~
18 ~~renewal of licenses or registrations for psychologists, social workers,~~
19 ~~marriage and family therapists, and professional counselors and for listing~~
20 ~~in the data base for unlicensed psychotherapists pursuant to this section~~
21 ~~shall be uniform.~~

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

24 **12-43-214. Mandatory disclosure of information to clients.**
25 (4) The disclosure of information required by subsection (1) of this
26 section is not required when psychotherapy is being administered in any
27 of the following circumstances:

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

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

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

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

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

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

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

6 (e) ~~Is addicted to or dependent on alcohol or~~ IS HABITUALLY
7 INTEMPERATE OR EXCESSIVELY USES any habit-forming drug, as defined
8 in section 12-22-102 (13), or is a habitual user of any controlled
9 substance, as defined in section 12-22-303 (7), or any alcoholic beverage,
10 ANY OF WHICH RENDERS HIM OR HER UNFIT TO PRACTICE PURSUANT TO
11 PARTS 3, 4, 5, 6, OR 7 OF THIS ARTICLE;

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

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

19 **12-43-224. Disciplinary proceedings - judicial review - mental
20 and physical examinations - multiple licenses.** (3) Disciplinary actions
21 may consist of the following:

22 (d) **Issuance of letters of admonition.** Such letters shall be sent
23 by certified mail to the licensee, registrant, or unlicensed psychotherapist
24 against whom a complaint was made. The letter shall advise the licensee,
25 registrant, or unlicensed psychotherapist that he or she may, within
26 ~~twenty days after receipt of the letter~~ THIRTY DAYS AFTER THE DATE OF
27 MAILING OF THE LETTER, make a written request to the board that issued

1 the letter to institute formal disciplinary proceedings in order to formally
2 adjudicate the conduct or acts on which the letter was based.

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

6 **12-43-228.5. Mental health professionals peer assistance fund.**

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

17 (b) THE DEPARTMENT SHALL SELECT ONE OR MORE PEER HEALTH
18 ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR
19 DESIGNATION BY THE BOARD, A PEER HEALTH ASSISTANCE PROGRAM
20 SHALL BE ABLE TO:

21 (I) PROVIDE FOR THE EDUCATION OF MENTAL HEALTH
22 PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF
23 PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL PROBLEMS AND PROVIDE FOR
24 INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES THAT MAY
25 BE DETERMINED BY RULES PROMULGATED BY THE BOARD;

26 (II) OFFER ASSISTANCE TO A MENTAL HEALTH PROFESSIONAL IN
27 IDENTIFYING SUCH PROFESSIONAL'S PHYSICAL, EMOTIONAL, OR

1 PSYCHOLOGICAL PROBLEMS;

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

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

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

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

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

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

23 (d) THE RESPONSIBILITIES OF THE ADMINISTERING ENTITY SHALL
24 BE:

25 (I) TO COLLECT THE REQUIRED ANNUAL PAYMENTS;

26 (II) TO VERIFY TO THE DEPARTMENT OF REGULATORY AGENCIES,
27 IN A MANNER ACCEPTABLE TO THE DEPARTMENT, THE NAMES OF ALL

1 MENTAL HEALTH PROFESSIONAL APPLICANTS WHO HAVE PAID THE FEE SET
2 BY THE DEPARTMENT;

3 (III) TO DISTRIBUTE THE MONEYS COLLECTED, LESS EXPENSES, TO
4 THE DESIGNATED PROVIDERS, AS DIRECTED BY THE DEPARTMENT OF
5 REGULATORY AGENCIES;

6 (IV) TO PROVIDE AN ANNUAL ACCOUNTING TO THE DEPARTMENT
7 OF REGULATORY AGENCIES OF ALL AMOUNTS COLLECTED, EXPENSES
8 INCURRED, AND AMOUNTS DISBURSED; AND

9 (V) TO POST A SURETY PERFORMANCE BOND IN AN AMOUNT
10 SPECIFIED BY THE DEPARTMENT OF REGULATORY AGENCIES TO SECURE
11 PERFORMANCE UNDER THE REQUIREMENTS OF THIS SECTION. THE
12 ADMINISTERING ENTITY MAY RECOVER THE ACTUAL ADMINISTRATIVE
13 COSTS INCURRED IN PERFORMING ITS DUTIES UNDER THIS SECTION IN AN
14 AMOUNT NOT TO EXCEED TEN PERCENT OF THE TOTAL AMOUNT
15 COLLECTED.

16 (2) (a) ANY MENTAL HEALTH PROFESSIONAL WHO IS A REFERRED
17 PARTICIPANT IN A PEER HEALTH ASSISTANCE PROGRAM SHALL ENTER INTO
18 A WRITTEN AGREEMENT WITH THE APPLICABLE BOARD OF EXAMINERS OR
19 THE DIRECTOR PRIOR TO SUCH MENTAL HEALTH PROFESSIONAL BECOMING
20 A PARTICIPANT IN SUCH PROGRAM. SUCH AGREEMENT SHALL CONTAIN
21 SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE PARTICIPANT,
22 INCLUDING THE CONDITIONS UNDER WHICH PARTICIPATION IN THE
23 PROGRAM WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A
24 PROVISION THAT FAILURE TO COMPLY WITH SUCH REQUIREMENTS AND
25 GOALS SHALL BE PROMPTLY REPORTED TO THE APPLICABLE BOARD OF
26 EXAMINERS OR TO THE DIRECTOR AND THE COMMITTEE, AND THAT SUCH
27 FAILURE SHALL RESULT IN DISCIPLINARY ACTION BY THE APPLICABLE

1 BOARD OF EXAMINERS.

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

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

22 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE
23 ANY LIABILITY ON BEHALF OF THE BOARD OR THE STATE OF COLORADO
24 FOR THE ACTIONS OF THE BOARD OR THE COMMITTEE MEMBERS IN MAKING
25 GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO CIVIL ACTION MAY BE
26 BROUGHT OR MAINTAINED AGAINST THE BOARD, THE COMMITTEE
27 MEMBERS, OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE

1 RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE
2 PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH
3 PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER
4 ASSISTANCE PROGRAM. HOWEVER, THE STATE SHALL REMAIN LIABLE
5 UNDER THE PROVISIONS OF THE "COLORADO GOVERNMENTAL IMMUNITY
6 ACT", ARTICLE 10 OF TITLE 24, C.R.S., IF AN INJURY ALLEGED TO HAVE
7 BEEN THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH
8 PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER
9 ASSISTANCE PROGRAM OCCURRED WHILE SUCH MENTAL HEALTH
10 PROFESSIONAL WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE STATE.

11 (4) THE DEPARTMENT OF REGULATORY AGENCIES IS AUTHORIZED
12 TO PROMULGATE RULES NECESSARY TO IMPLEMENT THE PROVISIONS OF
13 THIS SECTION.

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

16 **12-43-229. Repeal of article.** This article is repealed, effective
17 July 1, ~~2004~~ 2011. Prior to such repeal, all of the boards relating to the
18 licensing of and grievances against any person licensed, registered, or
19 regulated pursuant to the provisions of this article shall be reviewed as
20 provided for in section 24-34-104, C.R.S.

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

23 **12-43-302. State board of psychologist examiners.** (4) Each
24 board member shall hold office until the expiration of such member's
25 appointed term or until a successor is duly appointed. ~~except as provided~~
26 ~~in this subsection (4). On or before July 1, 1998, the governor shall~~
27 ~~remove two of the five licensed psychologists serving on the board that~~

1 ~~existed on June 30, 1998, in compliance with subsection (2) of this~~
2 ~~section, and the remaining three shall hold office until the expiration of~~
3 ~~the member's appointed term or until a successor is duly appointed. On~~
4 ~~or before July 1, 1998, the governor shall appoint two additional public~~
5 ~~members to the board. The initial term of one of the additional two~~
6 ~~public members to be appointed to the board shall be three years and the~~
7 ~~other public member shall be appointed for a term of four years.~~
8 ~~Thereafter,~~ The term of each member shall be four years. Any vacancy
9 occurring in board membership other than by expiration of A term shall
10 be filled by the governor by appointment for the unexpired term of such
11 member.

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

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

21 **12-43-304. Qualifications - examinations - licensure.** (1) The
22 board shall issue a license as a psychologist, and issue an appropriate
23 license certificate, to each applicant who files an application upon a form
24 and in such manner as the board prescribes, accompanied by such fee as
25 is required by the board, and who furnishes evidence satisfactory to the
26 board that he or she:

27 (e) Has demonstrated professional competence by passing an A

1 WRITTEN examination in psychology AND AN ORAL EXAMINATION IN
2 PSYCHOLOGY AS prescribed by the board AND A WRITTEN, MAIL-IN
3 JURISPRUDENCE EXAMINATION ADMINISTERED BY THE DEPARTMENT OF
4 REGULATORY AGENCIES.

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

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

25 SECTION 12. 12-43-401 (8), (9), and (10), Colorado Revised
26 Statutes, are amended, and the said 12-43-401 is further amended BY
27 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to

1 read:

2 **12-43-401. Definitions.** As used in this part 4, unless the context
3 otherwise requires:

4 (5.5) "INDEPENDENT PRACTICE" MEANS PRACTICING INDEPENDENT
5 OF SUPERVISION.

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

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

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

12 (11) "SOCIAL WORKER" MEANS A PERSON POSSESSING AN EARNED
13 SOCIAL WORK DEGREE FROM AN ACCREDITED SOCIAL WORK EDUCATION
14 PROGRAM, OR FROM A DOCTORAL PROGRAM WITHIN A NATIONALLY
15 RECOGNIZED, REGIONALLY ACCREDITED INSTITUTION OF HIGHER
16 EDUCATION, WHO IS PRACTICING WITHIN THE SCOPE OF SECTION
17 12-43-403.

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

20 **12-43-402. State board of social work examiners.**

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

26 (3) Each board member shall hold office until the expiration of
27 such member's appointed term or until a successor is duly appointed.

1 ~~except as provided in this subsection (3). On or before July 1, 1998, the~~
2 ~~governor shall remove two of the five licensed clinical social workers~~
3 ~~serving on the board as it existed on June 30, 1998, in compliance with~~
4 ~~subsection (2) of this section. On or before July 1, 1998, the governor~~
5 ~~shall appoint two additional public members to the board. The initial~~
6 ~~term of one of the additional public members to be appointed to the board~~
7 ~~shall be three years, and the other additional public member shall be~~
8 ~~appointed for a term of four years. On or before July 1, 1999, the~~
9 ~~governor shall remove one of the three licensed clinical social workers~~
10 ~~serving on the board in compliance with subsection (2) of this section.~~
11 ~~On or before July 1, 1999, the governor shall appoint a licensed~~
12 ~~independent social worker to the board. The initial term of the licensed~~
13 ~~independent social worker to be appointed to the board shall be three~~
14 ~~years. Thereafter, The term of each member shall be four years. Any~~
15 ~~vacancy occurring in board membership other than by expiration of A~~
16 ~~term shall be filled by the governor by appointment for the remainder of~~
17 ~~the unexpired term of such member.~~

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

24 ██████████
25 **SECTION 14.** 12-43-403 (2), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27 **12-43-403. Social work practice defined.** (2) Professional social

1 work practice may include, but is not limited to:

2 (u) CONSULTATION, SUPERVISION, AND TEACHING IN HIGHER
3 EDUCATION.

4 **SECTION 15.** 12-43-403 (4), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **12-43-403. Social work practice defined.** (4) Social work
7 practice is directly based upon an advanced educational program that
8 teaches the practitioner to analyze, intervene, and evaluate in ways that
9 are highly differentiated, discriminating, and self-critical. A practitioner
10 must be able to synthesize and apply a broad range of knowledge as well
11 as practice with a high degree of autonomy and skill. A practitioner must
12 be able to refine and advance the quality of his or her practice as well as
13 that of the larger social work profession. These advanced competencies
14 must be appropriately integrated and reflected in all aspects of a social
15 work practice, including the ability to:

16 (m) USE KNOWLEDGE OF THE LEGISLATIVE PROCESS TO AFFECT
17 SOCIAL CHANGE IN INSTITUTIONS AND GOVERNMENT AGENCIES.

18 **SECTION 16.** 12-43-404 (1) (c), (2), (3), (4), (6), and (7),
19 Colorado Revised Statutes, are amended to read:

20 **12-43-404. Qualifications - examination - licensure and**
21 **registration.** (1) The board shall license as a licensed social worker, and
22 issue an appropriate certificate to, any person who files an application
23 therefor, accompanied by such fee as is required by section 12-43-204,
24 and who submits evidence satisfactory to the board that he or she:

25 (c) Demonstrates professional competence by satisfactorily
26 passing an examination IN SOCIAL WORK AND A WRITTEN, MAIL-IN
27 JURISPRUDENCE EXAMINATION ADMINISTERED BY THE DEPARTMENT OF

1 REGULATORY AGENCIES.

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

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

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

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

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

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

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

23 (b) ~~Has obtained a bachelor's degree in social work from an~~
24 ~~approved school. For licensure, compliance, and disciplinary purposes,~~
25 ~~a registered social worker shall work under the supervision of a licensed~~
26 ~~independent social worker or licensed clinical social worker; except that,~~
27 ~~in cases where no licensed independent social worker or licensed clinical~~

1 ~~social worker is available for supervision, the registered social worker~~
2 ~~may apply to the board for approval for supervision by a person with~~
3 ~~equivalent experience as determined by the board.~~

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

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

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

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

1 in social work practice.

2 **SECTION 17.** 12-43-405, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **12-43-405. Rights and privileges of licensure and registration.**

5 (5) ANY PERSON POSSESSING AN EARNED SOCIAL WORK DEGREE HAS THE
6 RIGHT TO PRACTICE SOCIAL WORK AND TO USE THE TITLE "SOCIAL
7 WORKER". ONLY A PERSON LICENSED AS A CLINICAL SOCIAL WORKER OR
8 PRACTICING UNDER THE SUPERVISION OF A LICENSED CLINICAL SOCIAL
9 WORKER MAY ASSERT THAT HE OR SHE IS PRACTICING CLINICAL SOCIAL
10 WORK OR USE THE TITLE OF "CLINICAL SOCIAL WORKER".

11 **SECTION 18.** 12-43-406 (2) and (3), Colorado Revised Statutes,
12 are amended to read:

13 **12-43-406. Scope of part.** (2) No person may state that he or she
14 is engaged in the practice of social work as a social worker, or refer to
15 himself or herself as a social worker, unless such person is
16 licensed or registered pursuant to this part 4, OR POSSESSES AN EARNED
17 SOCIAL WORK DEGREE. No person may practice as a clinical social
18 worker unless licensed pursuant to section 12-43-404 (2), or licensed or
19 registered to practice social work and supervised pursuant to section
20 12-43-404 (1) OR (2). ~~or (3).~~

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

27 **SECTION 19.** 12-43-410 (1), Colorado Revised Statutes, is

1 amended to read:

2 **12-43-410. Employees of social services.** (1) Notwithstanding
3 the exemption in section 12-43-215 (3), no employee of the department
4 of human services, employee of a county department of social services,
5 or personnel under the direct control or supervision of such departments,
6 shall state that he or she is engaged in the practice of social work as a
7 social worker or refer to himself or herself as a social worker unless SUCH
8 PERSON IS licensed or registered pursuant to this part 4 OR POSSESSES AN
9 EARNED SOCIAL WORK DEGREE.

10 **SECTION 20.** 12-43-502 (2) (c), (4), and (6), Colorado Revised
11 Statutes, are amended to read:

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

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

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

7 **SECTION 21.** 12-43-504 (1) (e), Colorado Revised Statutes, is
8 amended to read:

9 **12-43-504. Qualifications - examination - licensure and**
10 **registration.** (1) The board shall issue a license as a marriage and
11 family therapist to each applicant who files an application upon a form
12 and in such manner as the board prescribes, accompanied by a fee as is
13 required by section 12-43-204 (1), and who furnishes evidence
14 satisfactory to the board that he or she:

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

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

21 **12-43-602. State board of licensed professional counselor**
22 **examiners.** (2) (c) ~~On or before July 1, 1998, the governor shall remove~~
23 ~~two of the five licensed professional counselors serving on the board as~~
24 ~~it existed on June 30, 1998, in compliance with this subsection (2). On~~
25 ~~or before July 1, 1998, the governor shall appoint two additional public~~
26 ~~members to the board. The initial terms of one of the additional public~~
27 ~~members shall be three years, and the other additional member shall be~~

1 appointed for a term of four years.

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

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

16 **SECTION 23.** 12-43-603 (1) (e), Colorado Revised Statutes, is
17 amended to read:

18 **12-43-603. Licensure - examination - licensed professional**
19 **counselors.** (1) The board shall issue a license as a licensed professional
20 counselor to each applicant who files an application upon a form and in
21 such a manner as the board prescribes, accompanied by a fee as is
22 required by section 12-43-204, and who furnishes evidence satisfactory
23 to the board that he or she:

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

1 DEPARTMENT OF REGULATORY AGENCIES.

2 **SECTION 24.** 12-43-702 (2), (3), and (4), Colorado Revised
3 Statutes, are amended to read:

4 **12-43-702. State grievance board - creation - subject to**
5 **termination.** (2) Four members of the grievance board shall be appointed
6 by the governor ~~on July 1, 1998~~, from the general public who are not
7 regulated by this article with a good faith effort to achieve broad-based
8 geographical representation. ~~one to serve a term of one year, one to serve~~
9 ~~a term of two years, and two to serve a term~~ SUCH MEMBERS SHALL SERVE
10 TERMS of three years. No such member shall have any direct involvement
11 or interest in the provision of psychotherapy; except that such member
12 may be or may have been a consumer of such services.

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

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

20 **SECTION 25.** 12-43-702.5 (3) and (4), Colorado Revised
21 Statutes, are amended to read:


22 **12-43-702.5. Data base of unlicensed psychotherapists -**
23 **violation - penalty - data collection.** (3) ~~On and after July 1, 1998~~, No
24 unlicensed person may practice psychotherapy if such person is not
25 included in the data base required by this section. Any person who
26 violates the provisions of this subsection (3) commits a class 3
27 misdemeanor and shall be punished as provided in section 18-1.3-501,

1 C.R.S. Notwithstanding the requirements of this section, no unlicensed
2 psychotherapist may use the term "registered", "regulated", "certified",
3 "clinical", "state-registered", OR "state-approved". ~~or any other term,~~
4 ~~abbreviation, or symbol that would falsely give the impression that the~~
5 ~~psychotherapist or the service that is being provided is recommended or~~
6 ~~approved by the state, based solely on inclusion in the data base.~~

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

13 **SECTION 26.** 12-43-710, Colorado Revised Statutes, is amended
14 to read:

15 **12-43-710. Jurisdiction.** ~~All investigations completed or in~~
16 ~~progress pursuant to sections 12-43-703 and 12-43-705 as said sections~~
17 ~~existed on June 30, 1998, including those cases that have been referred~~
18 ~~to hearing or are before an administrative law judge, shall be referred to~~
19 ~~the board that licenses, registers, or regulates the person being~~
20 ~~investigated or adjudicated.~~ If the licensee, registrant, or unlicensed
21 psychotherapist is regulated by more than one board, the investigation or
22 case being adjudicated shall be referred to the board as determined by the
23 director of the division of registrations for final adjudication. ~~All actions~~
24 ~~taken and decisions rendered by the grievance board prior to July 1, 1998,~~
25 ~~are hereby ratified.~~

26 
27 **SECTION 27.** 13-90-107 (1) (g), Colorado Revised

1 Statutes, is amended to read:

2 **13-90-107. Who may not testify without consent.** (1) There are
3 particular relations in which it is the policy of the law to encourage
4 confidence and to preserve it inviolate; therefore, a person shall not be
5 examined as a witness in the following cases:

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

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

26 **24-34-104. General assembly review of regulatory agencies and**
27 **functions for termination, continuation, or reestablishment.** (34) The

1 following agencies, functions, or both, shall terminate on July 1, 2004:

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

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

9 **24-34-104. General assembly review of regulatory agencies and**
10 **functions for termination, continuation, or reestablishment.** (42) The
11 following agencies, functions, or both, shall terminate on July 1, 2011:

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

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

19 **27-10-105. Emergency procedure.** (1) Emergency procedure
20 may be invoked under either one of the following two conditions:

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

1 family therapist or licensed professional counselor, licensed under the
2 provisions of part 5 or 6 of article 43 of title 12, C.R.S., who by reason
3 of postgraduate education and additional preparation has gained
4 knowledge, judgment, and skill in psychiatric or clinical mental health
5 therapy, forensic psychotherapy, or the evaluation of mental disorders; ~~or~~
6 a licensed clinical social worker licensed under the provisions of part 4
7 of article 43 of title 12, C.R.S.; OR AN ADDICTION COUNSELOR LICENSED
8 PURSUANT TO SECTION 24-34-102 (14) (e) (IV), C.R.S., each of whom is
9 referred to in this section as the "intervening professional", upon probable
10 cause and with such assistance as may be required, may take the person
11 into custody, or cause the person to be taken into custody, and, WITH THE
12 WRITTEN APPROVAL OF TWO ADDITIONAL INTERVENING PROFESSIONALS,
13 placed in a facility designated or approved by the executive director for
14 a seventy-two-hour treatment and evaluation.

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

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