

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0516.01 Kristen Forrestal x4217

HOUSE BILL 20-1206

HOUSE SPONSORSHIP

Michaelson Jenet and Landgraf, Cutter, Pelton, Young

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE REGULATION OF MENTAL
102 HEALTH PROFESSIONALS, AND, IN CONNECTION THEREWITH,
103 IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2019
104 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY
105 AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Public Health Care and Human Services Committee. The bill:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Continues the regulation of mental health professionals until 2029;
- ! Clarifies that mental health professionals may administer opiate antagonists;
- ! Allows the staff of a mental health board to approve applications for licensure, certification, and registration without ratification from the respective board unless the board deems ratification necessary;
- ! Clarifies that licensees, certificate holders, and registrants are not required to form a professional service corporation;
- ! Requires a mental health professional to disclose to clients that the client's medical records may not be maintained longer than 7 years;
- ! Exempts students who are enrolled in a school program and are practicing as part of a school practicum or clinical program from licensing, certification, and registration requirements;
- ! Grants title protection to additional persons practicing in the mental health field;
- ! Clarifies that a mental health professional may disclose confidential communications if there is a threat to a school or its employees and personnel;
- ! Makes the conviction of a crime that is related to mental health practice a violation of the mental health practice acts;
- ! Makes the failure to report the conviction of a felony a violation of the mental health practice acts;
- ! Clarifies that it is not a prohibited activity for a mental health professional to offer or accept payment for services provided from a referral;
- ! Authorizes the appropriate regulatory board to suspend a mental health professional's license, certification, or registration for the failure to comply with a board-ordered mental or physical examination;
- ! Allows mental health professionals to resolve certain issues informally prior to reporting a violation to the applicable board;
- ! Allows supervision of an applicant for a social worker license to be done virtually and by a person other than a licensed social worker;
- ! Repeals the requirement that a candidate for a social work license must be supervised by a licensed social worker and allows supervision as approved by the state board of social work examiners;
- ! States that, for licensed social workers or licensed clinical

- social workers, course work is the only professional competency activity that can fulfill all the continuing competency requirements;
- ! Requires applicants for psychology licensure to complete a name-based criminal history record check upon initial application;
- ! Repeals the requirements that members of the mental health boards must be United States citizens;
- ! Repeals the provision allowing a licensed mental health professional or a licensure candidate to register with the database of registered psychologists; and
- ! Grants general rule-making authority to the state board of addiction counselor examiners and requires the state board of human services in the department of human services to establish by rule education requirements for addiction counselors.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-245-234
3 as follows:

4 **12-245-234. Repeal of article - subject to review.** This article
5 245 is repealed, effective September 1, ~~2020~~ 2029. Before the repeal, all
6 of the boards relating to the licensing, registration, or certification of and
7 grievances against any person licensed, registered, or certified pursuant
8 to this article 245 are scheduled for review in accordance with section
9 24-34-104.

10 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
11 (19)(a)(III); and **add** (30)(a)(III) as follows:

12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for repeal, continuation, or reestablishment - legislative**
14 **declaration - repeal.** (19) (a) The following agencies, functions, or both,
15 are scheduled for repeal on September 1, 2020:

16 (III) ~~Notwithstanding subsection (7)(a) of this section, the~~

1 ~~functions of the boards specified in article 245 of title 12, relating to the~~
2 ~~licensing, registration, or certification of and grievances against a person~~
3 ~~licensed, registered, or certified pursuant to article 245 of title 12;~~

4 (30) (a) The following agencies, functions, or both, are scheduled
5 for repeal on September 1, 2029:

6 (III) NOTWITHSTANDING SUBSECTION (7)(a) OF THIS SECTION, THE
7 FUNCTIONS OF THE BOARDS SPECIFIED IN ARTICLE 245 OF TITLE 12
8 RELATING TO THE LICENSING, REGISTRATION, OR CERTIFICATION OF AND
9 GRIEVANCES AGAINST A PERSON LICENSED, REGISTERED, OR CERTIFIED
10 PURSUANT TO ARTICLE 245 OF TITLE 12.

11 **SECTION 3.** In Colorado Revised Statutes, 12-245-204, **amend**
12 (5) as follows:

13 **12-245-204. Boards - division to supervise - meetings - duties**
14 **- powers - rules - removal of members - limitation on authority.**

15 (5) In carrying out its duties related to the approval of applications for
16 licensure, registration, or certification pursuant to this section, section
17 12-245-214, and this article 245, each board shall delegate the function
18 of the preliminary review and approval of applications to the staff of the
19 board, with approval of an application ratified by action of the board IF
20 RATIFICATION IS DEEMED NECESSARY BY THE BOARD. Each board, in its
21 sole discretion, may individually review any application requiring board
22 consideration prior to the approval of the application pursuant to section
23 12-245-214 and this article 245.

24 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-245-210
25 as follows:

26 **12-245-210. Drugs - medicine.** (1) Nothing in this article 245
27 permits psychologists, social workers, marriage and family therapists,

1 licensed professional counselors, psychotherapists, and addiction
2 counselors licensed, registered, or certified under this article 245 to
3 administer or prescribe drugs or in any manner engage in the practice of
4 medicine as defined by the laws of this state.

5 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A
6 PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST,
7 LICENSED PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR ADDICTION
8 COUNSELOR LICENSED, REGISTERED, OR CERTIFIED UNDER THIS ARTICLE
9 245 MAY POSSESS, FURNISH, OR ADMINISTER AN OPIATE ANTAGONIST IN
10 ACCORDANCE WITH SECTION 12-30-110.

11 **SECTION 5.** In Colorado Revised Statutes, 12-30-110, **amend**
12 (1)(b) introductory portion, (2)(b), (3)(c)(III), and (3)(c)(IV); and **add**
13 (3)(c)(V) and (7)(b.5) as follows:

14 **12-30-110. Prescribing or dispensing opiate antagonists -**
15 **authorized recipients - definitions.** (1) (b) A law enforcement agency
16 or first responder; an employee or volunteer of a harm reduction
17 organization; a school district, school, or employee or agent of a school;
18 ~~or~~ a person described in section 25-20.5-1001; OR A MENTAL HEALTH
19 PROFESSIONAL may, pursuant to an order or standing orders and protocols:

20 (2) (b) A law enforcement agency, first responder, harm reduction
21 organization, ~~or~~ person described in section 25-20.5-1001, OR A MENTAL
22 HEALTH PROFESSIONAL is strongly encouraged to educate ~~its~~ employees
23 and volunteers, as well as persons receiving an opiate antagonist from the
24 law enforcement agency, first responder, harm reduction organization, ~~or~~
25 person described in section 25-20.5-1001, OR MENTAL HEALTH
26 PROFESSIONAL, on the use of an opiate antagonist for overdose, including
27 instruction concerning risk factors for overdose, recognizing an overdose,

1 calling emergency medical services, rescue breathing, and administering
2 an opiate antagonist.

3 (3) Neither a prescriber described in subsection (7)(h)(I) of this
4 section nor a pharmacist engages in unprofessional conduct pursuant to
5 section 12-240-121 or 12-280-126, respectively, and a prescriber
6 described in subsection (7)(h)(II) of this section does not engage in
7 conduct that is grounds for discipline pursuant to section 12-255-120, if
8 the prescriber issues standing orders and protocols regarding opiate
9 antagonists or prescribes or dispenses, or the pharmacist dispenses,
10 pursuant to an order or standing orders and protocols, an opiate antagonist
11 in a good-faith effort to assist:

12 (c) The following persons in responding to, treating, or otherwise
13 assisting an individual who is experiencing or is at risk of experiencing
14 an opiate-related drug overdose event or a friend, family member, or other
15 person in a position to assist an at-risk individual:

16 (III) A school district, school, or employee or agent of a school;

17 ~~or~~

18 (IV) A person described in section 25-20.5-1001; OR

19 (V) A MENTAL HEALTH PROFESSIONAL.

20 (7) As used in this section:

21 (b.5) "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST,
22 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED
23 PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR ADDICTION
24 COUNSELOR LICENSED, REGISTERED, OR CERTIFIED UNDER ARTICLE 245 OF
25 THIS TITLE 12.

26 **SECTION 6.** In Colorado Revised Statutes, 13-21-108.7, **amend**
27 (3)(b)(I) as follows:

1 **13-21-108.7. Persons rendering emergency assistance through**
2 **the administration of an opiate antagonist - limited immunity -**
3 **legislative declaration - definitions. (3) General immunity.** (b) This
4 subsection (3) also applies to:

5 (I) A law enforcement agency or first responder; an employee or
6 volunteer of a harm reduction organization; ~~or~~ a school district, school,
7 or employee or agent of a school acting in accordance with section
8 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section
9 22-1-119.1; OR A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION
10 12-30-110 (7)(b.5); and

11 **SECTION 7.** In Colorado Revised Statutes, 18-1-712, **amend**
12 (2)(b)(I) as follows:

13 **18-1-712. Immunity for a person who administers an opiate**
14 **antagonist during an opiate-related drug overdose event - definitions.**

15 (2) **General immunity.** (b) This subsection (2) also applies to:

16 (I) A law enforcement agency or first responder; an employee or
17 volunteer of a harm reduction organization; ~~or~~ a school district, school,
18 or employee or agent of a school acting in accordance with section
19 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section
20 22-1-119.1; OR A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION
21 12-30-110 (7)(b.5); and

22 **SECTION 8.** In Colorado Revised Statutes, 12-245-213, **amend**
23 (1) introductory portion as follows:

24 **12-245-213. Professional service corporations for the practice**
25 **of psychology, social work, marriage and family therapy,**
26 **professional counseling, and addiction counseling - definitions.**

27 (1) Licensees, registrants, or certificate holders may, BUT ARE NOT

1 REQUIRED TO, form professional service corporations for the practice of
2 psychology, social work, marriage and family therapy, professional
3 counseling, psychotherapy, or addiction counseling under the "Colorado
4 Business Corporation Act", articles 101 to 117 of title 7, if the
5 corporations are organized and operated in accordance with this section.
6 The articles of incorporation of a professional service corporation formed
7 pursuant to this section must contain provisions complying with the
8 following requirements:

9 **SECTION 9.** In Colorado Revised Statutes, 12-245-216, **amend**
10 (1)(d)(IV) and (1)(e); and **add** (1)(f) as follows:

11 **12-245-216. Mandatory disclosure of information to clients.**

12 (1) Except as otherwise provided in subsection (4) of this section, every
13 licensee, registrant, or certificate holder shall provide the following
14 information in writing to each client during the initial client contact:

15 (d) A statement indicating that:

16 (IV) The information provided by the client during therapy
17 sessions is legally confidential in the case of licensed marriage and family
18 therapists, social workers, professional counselors, and psychologists;
19 licensed or certified addiction counselors; and registered
20 psychotherapists, except as provided in section 12-245-220 and except for
21 certain legal exceptions that will be identified by the licensee, registrant,
22 or certificate holder should any such situation arise during therapy; ~~and~~

23 (e) If the mental health professional is a registered
24 psychotherapist, a statement indicating that a registered psychotherapist
25 is a psychotherapist listed in the state's database and is authorized by law
26 to practice psychotherapy in Colorado but is not licensed by the state and
27 is not required to satisfy any standardized educational or testing

1 requirements to obtain a registration from the state; AND

2 (f) A STATEMENT INDICATING THAT A CLIENT'S RECORDS MAY NOT
3 BE MAINTAINED AFTER SEVEN YEARS PURSUANT TO SECTION 12-245-226
4 (1)(a)(II)(A).

5 **SECTION 10.** In Colorado Revised Statutes, 12-245-217, **amend**
6 (2)(e)(IV) and (2)(f); and **add** (2)(g) as follows:

7 **12-245-217. Scope of article - exemptions.** (2) The provisions
8 of this article 245 shall not apply to:

9 (e) A person who resides in another state and who is currently
10 licensed or certified as a psychologist, marriage and family therapist,
11 clinical social worker, professional counselor, or addiction counselor in
12 that state to the extent that the licensed or certified person performs
13 activities or services in this state, if the activities and services are:

14 (IV) Disclosed to the public that the person is not licensed or
15 certified in this state; ~~or~~

16 (f) A professional coach, including a life coach, executive coach,
17 personal coach, or business coach, who has had coach-specific training
18 and who serves clients exclusively as a coach, as long as the professional
19 coach does not engage in the practice of psychology, social work,
20 marriage and family therapy, licensed professional counseling,
21 psychotherapy, or addiction counseling, as those practices are defined in
22 this article 245; OR

23 (g) STUDENTS WHO ARE ENROLLED IN A SCHOOL PROGRAM AND
24 ARE PRACTICING AS PART OF A SCHOOL PRACTICUM OR CLINICAL
25 PROGRAM.

26 **SECTION 11.** In Colorado Revised Statutes, **amend** 12-245-218
27 as follows:

1 **12-245-218. Title use restrictions.** (1) A psychologist, social
2 worker, marriage and family therapist, professional counselor,
3 PSYCHOTHERAPIST, or addiction counselor may only use the title for
4 which ~~he or she~~ THE PERSON is licensed, certified, or registered under this
5 article 245 OR FOR WHICH THE PERSON HAS OBTAINED THE REQUIRED
6 CREDENTIALS. Except as provided in section 12-245-306 (3), no other
7 person shall:

8 (a) Hold himself or herself out to the public by any title or
9 description of services incorporating the terms "licensed clinical social
10 worker", "clinical social worker", "LCSW", "licensed social worker",
11 "LSW", "PROVISIONAL SOCIAL WORKER", "SWP", "marriage and family
12 therapist", "LMFT", "MFT", "MARRIAGE AND FAMILY THERAPIST
13 CANDIDATE", "MFT CANDIDATE", "MFTC", "professional counselor",
14 "LICENSED PROFESSIONAL COUNSELOR", "LPC", "LICENSED PROFESSIONAL
15 COUNSELOR CANDIDATE", "LPCC", "PROVISIONAL LICENSED
16 PROFESSIONAL COUNSELOR", "psychologist", "PROVISIONAL
17 PSYCHOLOGIST", "psychologist candidate", "psychology",
18 "psychological", "REGISTERED PSYCHOTHERAPIST", "addiction counselor",
19 "licensed addiction counselor", "LAC", "certified addiction counselor",
20 or "CAC"; ~~and no other person shall;~~ OR

21 (b) State or imply that ~~he or she~~ THE PERSON is licensed,
22 CERTIFIED, OR REGISTERED to practice social work, marriage and family
23 therapy, professional counseling, psychology, PSYCHOTHERAPY, or
24 addiction counseling.

25 (2) Nothing in this section shall prohibit a person from stating or
26 using the educational degrees that the person has obtained.

27 **SECTION 12.** In Colorado Revised Statutes, 12-245-220, **amend**

1 (2) introductory portion and (2)(d)(IV)(B); and **repeal** (6) as follows:

2 **12-245-220. Disclosure of confidential communications -**
3 **definitions.** (2) Subsection (1) of this section does not apply AND A
4 PERSON MAY DISCLOSE CONFIDENTIAL INFORMATION when:

5 (d) (IV) (B) ~~Notwithstanding subsection (6) of this section,~~ This
6 subsection (2)(d) applies to covered entities, as defined in HIPAA.

7 (6) ~~This section does not apply to covered entities, their business~~
8 ~~associates, or health oversight agencies, as each is defined in the federal~~
9 ~~"Health Insurance Portability and Accountability Act of 1996", as~~
10 ~~amended by the federal "Health Information Technology for Economic~~
11 ~~and Clinical Health Act", Pub.L. 111-5, as amended, and the respective~~
12 ~~implementing regulations.~~

13 **SECTION 13.** In Colorado Revised Statutes, 12-245-224, **amend**
14 (1)(a), (1)(o), and (1)(q) as follows:

15 **12-245-224. Prohibited activities - related provisions -**
16 **definition.** (1) A person licensed, registered, or certified under this
17 article 245 violates this article 245 if the person:

18 (a) (I) Has been convicted of or pled guilty or nolo contendere to
19 a felony OR TO ANY CRIME RELATED TO THE PERSON'S PRACTICE, or
20 received a deferred sentence to a felony charge. A certified copy of the
21 judgment of a court of competent jurisdiction of the conviction or plea is
22 conclusive evidence of the conviction or plea. In considering the
23 disciplinary action, each board is governed by sections 12-20-202 (5) and
24 24-5-101.

25 (II) HAS FAILED TO REPORT TO THE BOARD THAT REGULATES THE
26 PERSON'S PROFESSION OF A CONVICTION OF A CRIME WITHIN THIRTY DAYS
27 AFTER THE CONVICTION.

1 (o) Has accepted commissions or rebates or other forms of
2 remuneration for referring clients to other professional persons, UNLESS
3 THE REMUNERATION IS BASED ON SERVICES PROVIDED AND NOT FOR THE
4 REFERRAL ITSELF;

5 (q) Has offered or given commissions, rebates, or other forms of
6 remuneration for the referral of clients ~~except that~~ UNLESS THE OFFER OR
7 REMUNERATION WAS FOR SERVICES PROVIDED AND NOT FOR THE
8 REFERRAL ITSELF. A licensee, registrant, or certificate holder may pay an
9 independent advertising or marketing agent compensation for advertising
10 or marketing services rendered on the person's behalf by the agent,
11 including compensation that is paid for the results of performance of the
12 services on a per-patient basis.

13 **SECTION 14.** In Colorado Revised Statutes, 12-245-226, **amend**
14 (2)(d)(I) and (8) as follows:

15 **12-245-226. Disciplinary proceedings - judicial review - mental**
16 **and physical examinations - multiple licenses.** (2) (d) (I) If a board has
17 reasonable cause to believe that a licensee, registrant, or certificate holder
18 whom the board licenses, registers, or certifies pursuant to this article 245
19 is unable to practice with reasonable skill and safety to patients, the board
20 may require the licensee, registrant, or certificate holder to submit to
21 mental or physical examinations designated by the board. Upon the
22 failure of the licensee, registrant, or certificate holder to submit to a
23 mental or physical examination, and unless the person shows good cause
24 for the failure, the board may ~~act pursuant to subsection (2)(c) of this~~
25 ~~section or enjoin a licensee, registrant, or certificate holder pursuant to~~
26 ~~section 12-245-230~~ SUSPEND THE LICENSE, CERTIFICATION, OR
27 REGISTRATION OF THE PERSON until the person submits to the required

1 examinations.

2 (8) (a) Any licensee, registrant, or certificate holder who has
3 direct knowledge that a licensee, registrant, or certificate holder has
4 violated section 12-245-224 or 12-245-228 has a duty to report the
5 violation to the board that licenses, registers, or certifies the licensee,
6 registrant, or certificate holder pursuant to this article 245 unless
7 reporting the violation would violate the prohibition against disclosure of
8 confidential information without client consent pursuant to section
9 12-245-220.

10 (b) PRIOR TO REPORTING A VIOLATION OF SECTION 12-245-224
11 AND IF THE VIOLATION HAS NOT HARMED OR DOES NOT HAVE THE RISK OF
12 HARMING A CLIENT AND IS DETERMINED TO BE APPROPRIATE FOR
13 INFORMAL RESOLUTION BY THE LICENSEE, CANDIDATE, OR CERTIFICATE
14 HOLDER, THE LICENSEE, CANDIDATE, OR CERTIFICATE HOLDER MAY SEEK
15 TO RESOLVE THE ISSUE INFORMALLY THROUGH ADHERENCE TO THE
16 APPLICABLE NATIONALLY ESTABLISHED CODE OF ETHICS FOR THE
17 PROFESSION.

18 **SECTION 15.** In Colorado Revised Statutes, 12-245-404, **amend**
19 (2)(c) as follows:

20 **12-245-404. Qualifications - examination - licensure and**
21 **registration.** (2) The board shall license as a licensed clinical social
22 worker a person who files an application, in a form and manner required
23 by the board, submits the fee required by the board pursuant to section
24 12-245-205, and submits evidence satisfactory to the board that the
25 applicant:

26 (c) Has practiced social work for at least two years under the
27 VIRTUAL OR IN-PERSON supervision of a licensed clinical social worker OR

1 OTHER PERSON WITH EQUIVALENT EXPERIENCE AS DETERMINED BY THE
2 BOARD, which practice includes training and work experience in the area
3 of clinical social work practice; and

4 **SECTION 16.** In Colorado Revised Statutes, 12-245-406, **amend**
5 (3) as follows:

6 **12-245-406. Scope of part.** (3) No person may supervise the
7 practice of social work for the purpose of licensure compliance or
8 disciplinary proceedings unless ~~licensed~~ APPROVED BY THE BOARD
9 pursuant to section 12-245-404. ~~except that, in cases where no licensed~~
10 ~~clinical social worker is available for supervision for licensure, the~~
11 ~~licensee may apply to the board for approval to be supervised by a person~~
12 ~~with equivalent experience as determined by the board.~~

13 **SECTION 17.** In Colorado Revised Statutes, **amend** 12-245-408
14 as follows:

15 **12-245-408. Clinical social work practice of psychotherapy.**
16 For the purpose of licensure, the practice, under this part 4, of
17 psychotherapy and other clinical activities within the definition of social
18 work practice in section 12-245-403 is limited to licensed clinical social
19 workers or licensed social workers supervised ~~by licensed clinical social~~
20 ~~workers~~ IN ACCORDANCE WITH SECTION 12-245-404 (2)(c).

21 **SECTION 18.** In Colorado Revised Statutes, 12-245-410, **amend**
22 (1)(b)(III) as follows:

23 **12-245-410. Continuing professional competency - rules -**
24 **definition.** (1) (b) The board shall adopt rules establishing a continuing
25 professional competency program that includes, at a minimum, the
26 following elements:

27 (III) Periodic demonstration of knowledge and skills through

1 documentation of activities necessary to ensure at least minimal ability to
2 safely practice the profession. COURSE WORK PROVIDED BY AN
3 ACCREDITED EDUCATIONAL INSTITUTION OR A NATIONALLY OR
4 REGIONALLY RECOGNIZED PROFESSIONAL ORGANIZATION IS THE ONLY ONE
5 OF A NUMBER OF CONTINUING PROFESSIONAL COMPETENCY ACTIVITIES
6 THAT MAY SATISFY THE FULL CONTINUING COMPETENCY REQUIREMENT.
7 Nothing in this subsection (1)(b)(III) shall require a licensed clinical
8 social worker or a licensed social worker to retake any examination
9 required pursuant to section 12-245-404 in connection with initial
10 licensure.

11 **SECTION 19.** In Colorado Revised Statutes, 12-245-302, **amend**
12 (2) introductory portion and (2)(b); and **repeal** (3) as follows:

13 **12-245-302. State board of psychologist examiners - created**
14 **- members - terms.** (2) The board consists of seven members who are
15 ~~citizens of the United States and~~ residents of the state of Colorado as
16 follows:

17 (b) Three board members must be representatives of the general
18 public. ~~one of whom may be a mental health consumer or family member~~
19 ~~of a mental health consumer. These individuals must have never been~~
20 ~~psychologists, applicants or former applicants for licensure as~~
21 ~~psychologists, members of another mental health profession, or members~~
22 ~~of households that include psychologists or members of another mental~~
23 ~~health profession or otherwise have conflicts of interest or the appearance~~
24 ~~of conflicts with their duties as board members.~~

25 (3) (a) ~~Each board member shall hold office until the expiration~~
26 ~~of the member's appointed term or until a successor is duly appointed.~~
27 ~~Except as specified in subsection (3)(b) of this section, the term of each~~

1 member shall be four years, and no board member shall serve more than
2 two full consecutive terms. Any vacancy occurring in board membership
3 other than by expiration of a term shall be filled by the governor by
4 appointment for the unexpired term of the member.

5 (b) The terms of office of the members on the board are modified
6 as follows in order to ensure staggered terms of office:

7 (I) The second term of office of the licensed psychologist board
8 member and one of the two board members representing the general
9 public, whose second term would otherwise expire on June 30, 2010,
10 shall expire on May 31, 2008, and the governor shall appoint one new
11 licensed psychologist and one new representative of the general public to
12 serve terms as described in subsection (3)(a) of this section commencing
13 on June 1, 2008.

14 (II) The initial term of office of the one board member
15 representing the general public whose initial term would otherwise expire
16 on June 30, 2009, shall expire on May 31, 2009, and the board member
17 is eligible to serve one additional four-year term commencing on June 1,
18 2009, and expiring on May 31, 2013. On and after the expiration of this
19 board member's term or a vacancy in this position, the governor shall
20 appoint a licensed psychologist to this position on the board, who is
21 eligible to serve terms as described in subsection (3)(a) of this section
22 commencing on June 1 of the applicable year.

23 (III) The initial term of office of one of the two licensed
24 psychologist board members whose initial term would otherwise expire
25 on June 30, 2010, shall expire on May 31, 2009. This board member shall
26 be eligible to serve one additional four-year term, commencing on June
27 1, 2009, and expiring on May 31, 2013. On and after the expiration of this

1 ~~board member's term, persons appointed to this position on the board~~
2 ~~shall serve terms as described in subsection (3)(a) of this section~~
3 ~~commencing on June 1 of the applicable year.~~

4 ~~(IV) The initial terms of office of the remaining licensed~~
5 ~~psychologist board member and the other board member representing the~~
6 ~~general public, whose initial terms would otherwise expire on June 30,~~
7 ~~2010, shall expire on May 31, 2010. Each of these board members shall~~
8 ~~be eligible to serve one additional four-year term commencing on June 1,~~
9 ~~2010, and expiring on May 31, 2014. On and after the expiration of these~~
10 ~~board members' terms, persons appointed to these positions on the board~~
11 ~~shall serve terms as described in subsection (3)(a) of this section~~
12 ~~commencing on June 1 of the applicable year.~~

13 ~~(V) The second term of office of the remaining board member~~
14 ~~representing the general public whose second term would otherwise~~
15 ~~expire on June 30, 2010, shall expire on May 31, 2010. The governor~~
16 ~~shall appoint one new representative of the general public to serve terms~~
17 ~~as described in subsection (3)(a) of this section commencing on June 1,~~
18 ~~2010.~~

19 **SECTION 20.** In Colorado Revised Statutes, 12-245-304, **amend**
20 **(1)(d) and (1)(e); and add (1)(f) as follows:**

21 **12-245-304. Qualifications - examinations - licensure.** (1) The
22 board shall issue a license as a psychologist to each applicant who files
23 an application in a form and manner required by the board, submits the
24 fee required by the board pursuant to section 12-245-205, and furnishes
25 evidence satisfactory to the board that the applicant:

26 (d) Has had at least one year of postdoctoral experience practicing
27 psychology under supervision approved by the board; **and**

1 (e) Demonstrates professional competence by passing a single,
2 written examination in psychology as prescribed by the board and a
3 jurisprudence examination administered by the division; AND

4 (f) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(f),
5 UPON THE INITIAL APPLICATION FOR LICENSURE HAS COMPLETED A
6 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
7 22-2-119.3 (6)(d), WITH SATISFACTORY RESULTS AS DETERMINED BY THE
8 BOARD.

9 **SECTION 21.** In Colorado Revised Statutes, 12-245-402, **amend**
10 (1) as follows:

11 **12-245-402. State board of social work examiners - created -**
12 **members - terms.** (1) There is hereby created under the supervision and
13 control of the division the state board of social work examiners, which
14 ~~shall consist~~ CONSISTS of seven members who are ~~citizens of the United~~
15 ~~States and~~ residents of the state of Colorado.

16 **SECTION 22.** In Colorado Revised Statutes, 12-245-502, **amend**
17 (1) as follows:

18 **12-245-502. State board of marriage and family therapist**
19 **examiners - created - members - terms.** (1) There is hereby created
20 under the supervision and control of the division the state board of
21 marriage and family therapist examiners, which ~~shall consist~~ CONSISTS of
22 seven members who are ~~citizens of the United States and~~ residents of the
23 state of Colorado.

24 **SECTION 23.** In Colorado Revised Statutes, 12-245-602, **amend**
25 (1) as follows:

26 **12-245-602. State board of licensed professional counselor**
27 **examiners - created - members - fines.** (1) There is hereby created the

1 state board of licensed professional counselor examiners under the
2 supervision and control of the division. The board ~~shall consist~~ CONSISTS
3 of seven members who are ~~citizens of the United States and~~ residents of
4 the state of Colorado.

5 **SECTION 24.** In Colorado Revised Statutes, 12-245-703, **repeal**
6 (2) as follows:

7 **12-245-703. Database of registered psychotherapists -**
8 **unauthorized practice - penalties - data collection.** (2) A person who:
9 ~~Is licensed pursuant to part 3, 4, 5, 6, or 8 of this article 245; is registered~~
10 ~~as a psychologist candidate, licensed social worker, marriage and family~~
11 ~~therapist candidate, or professional counselor candidate; or is enrolled in~~
12 ~~a professional training program at an approved school and actively~~
13 ~~working toward acquiring and demonstrating the necessary qualifications~~
14 ~~for licensure set forth in section 12-245-304, 12-245-404, 12-245-504,~~
15 ~~12-245-604, or 12-245-804 may, but is not required to, register with the~~
16 ~~database of registered psychotherapists.~~

17 **SECTION 25.** In Colorado Revised Statutes, 12-245-802, **amend**
18 (2) introductory portion as follows:

19 **12-245-802. State board of addiction counselor examiners -**
20 **created - members - terms.** (2) The board consists of seven members
21 who are ~~citizens of the United States and~~ residents of the state of
22 Colorado. The governor shall appoint the members of the board as
23 follows:

24 **SECTION 26.** In Colorado Revised Statutes, 12-245-804, **amend**
25 (3) as follows:

26 **12-245-804. Requirements for licensure and certification -**
27 **rules.** (3) The state board of ~~human services in the department of human~~

1 ~~services~~ ADDICTION COUNSELOR EXAMINERS shall promulgate rules ~~with~~
2 ~~approval of the board,~~ for certification of addiction counselors; EXCEPT
3 THAT THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF
4 HUMAN SERVICES SHALL ESTABLISH BY RULE EDUCATION REQUIREMENTS
5 FOR CERTIFICATION in accordance with section 27-80-108 (1)(e).

6 **SECTION 27.** In Colorado Revised Statutes, 12-245-806, **amend**
7 (1)(b) introductory portion as follows:

8 **12-245-806. Continuing professional competency - rules -**
9 **definition.** (1) (b) The ~~board, in consultation with the~~ office of
10 behavioral health in the department of human services, ~~and~~ IN
11 CONSULTATION WITH other stakeholders, shall adopt rules establishing a
12 continuing professional competency program that includes, at a minimum,
13 the following elements:

14 **SECTION 28. Act subject to petition - effective date.** This act
15 takes effect September 1, 2020; except that, if a referendum petition is
16 filed pursuant to section 1 (3) of article V of the state constitution against
17 this act or an item, section, or part of this act within the ninety-day period
18 after final adjournment of the general assembly, then the act, item,
19 section, or part will not take effect unless approved by the people at the
20 general election to be held in November 2020 and, in such case, will take
21 effect on the date of the official declaration of the vote thereon by the
22 governor.