

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0986.01 Kristen Forrestal x4217

HOUSE BILL 21-1305

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HOUSE SPONSORSHIP

Michaelson Jenet and Pelton,

SENATE SPONSORSHIP

Winter,

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House Committees

Public & Behavioral Health & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE PRACTICE OF MENTAL HEALTH PROFESSIONALS,  
102 AND, IN CONNECTION THEREWITH, EXEMPTING CERTAIN  
103 CONVICTION RECORDS FROM THE "COLORADO OPEN RECORDS  
104 ACT"; ALLOWING LETTERS OF ADMONITION TO BE SEALED;  
105 CLARIFYING EDUCATION AND HOURS OF PRACTICE REQUIRED  
106 FOR LICENSURE OR CERTIFICATION AS AN ADDICTION  
107 COUNSELOR; AND ESTABLISHING SUPERVISION PRIVILEGES FOR  
108 CERTIFIED AND LICENSED ADDICTION COUNSELORS.

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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*

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.

<http://leg.colorado.gov>.)

The bill:

- Exempts conviction records of mental health providers from the "Colorado Open Records Act" if the conviction records meet specified criteria;
- Allows a licensed, registered, or certified mental health provider to petition the applicable board to have a letter of admonition issued by the board sealed and made confidential except under certain circumstances. Each board has the sole discretion to determine whether to approve or deny the petition and the board's determination is final.
- Specifies criteria that a board must consider when making its determination;
- Provides exceptions as to when a board may unseal or share a letter of admonition;
- Specifies title use restrictions for certified addiction specialists, certified addiction technicians, and addiction counselor candidates;
- Establishes supervision privileges for licensed and certified addiction counselors; and
- Clarifies the education and hours of practice required to be certified or licensed as an addiction counselor and the scope of practice of licensed addiction counselors.

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

2           **SECTION 1.** In Colorado Revised Statutes, 12-30-102, **amend**  
3 (4)(b) as follows:

4           **12-30-102. Medical transparency act of 2010 - disclosure of**  
5 **information about health-care providers - fines - rules - short title -**  
6 **legislative declaration - review of functions - repeal.** (4) When  
7 applying for a new license, certification, or registration or to renew,  
8 reinstate, or reactivate a license, certification, or registration in this state,  
9 each applicant shall provide the following information to the director, in  
10 a form and manner determined by the director, as applicable to each  
11 profession:

1 (b) (I) Any public disciplinary action taken against the applicant  
2 by the applicable regulator or the board or licensing agency of any other  
3 state or country. The applicant shall provide a copy of the action to the  
4 director at the time the application is made.

5 (II) THE APPLICANT IS NOT REQUIRED TO PROVIDE INFORMATION  
6 CONCERNING A LETTER OF ADMONITION THAT HAS BEEN SEALED  
7 PURSUANT TO SECTION 12-245-226 (9).

8 **SECTION 2.** In Colorado Revised Statutes, 12-245-218, **amend**  
9 (1)(a) as follows:

10 **12-245-218. Title use restrictions.** (1) A psychologist, social  
11 worker, marriage and family therapist, professional counselor,  
12 psychotherapist, or addiction counselor may only use the title for which  
13 the person is licensed, certified, or registered under this article 245.  
14 Except as provided in section 12-245-306 (3), no other person shall:

15 (a) Hold himself or herself out to the public by any title or  
16 description of services incorporating the terms "licensed clinical social  
17 worker", "clinical social worker", "LCSW", "licensed social worker",  
18 "LSW", "clinical social worker candidate", "provisional social worker",  
19 "SWP", "marriage and family therapist", "LMFT", "MFT", "marriage and  
20 family therapist candidate", "MFT candidate", "MFTC", "professional  
21 counselor", "licensed professional counselor", "LPC", "licensed  
22 professional counselor candidate", "LPCC", "provisional licensed  
23 professional counselor", "psychologist", "provisional psychologist",  
24 "psychologist candidate", "psychology", "psychological", "unlicensed  
25 psychotherapist", "addiction counselor", "licensed addiction counselor",  
26 "LAC", "~~certified addiction counselor~~, or "~~CAC~~" "CERTIFIED ADDICTION  
27 SPECIALIST", "CAS", "CERTIFIED ADDICTION TECHNICIAN", "CAT", OR

1 "ADDICTION COUNSELOR CANDIDATE"; or

2 **SECTION 3.** In Colorado Revised Statutes, 12-245-226, **add**  
3 (4.5) and (9) as follows:

4 **12-245-226. Disciplinary proceedings - judicial review - mental**  
5 **and physical examinations - multiple licenses - definition.**

6 (4.5) (a) CONVICTION RECORDS IN THE CUSTODY OF A BOARD ARE EXEMPT  
7 FROM THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF  
8 TITLE 24, IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

9 (I) THE CONVICTION RECORDS PERTAIN TO ONE OR MORE FELONY  
10 CONVICTIONS, A DEFERRED SENTENCE, OR A PLEA AGREEMENT BASED ON  
11 A FELONY CONVICTION;

12 (II) THE CONVICTIONS IN THE CONVICTION RECORDS ARE FOR  
13 NONVIOLENT, NON-FRAUD-RELATED FELONIES;

14 (III) THE CONVICTIONS IN THE CONVICTION RECORDS WERE  
15 ENTERED PRIOR TO THE LICENSEE'S, REGISTRANT'S, OR CERTIFICATE  
16 HOLDER'S INITIAL APPLICATION FOR LICENSURE, REGISTRATION, OR  
17 CERTIFICATION;

18 (IV) THE CONVICTION RECORDS WERE SUBMITTED TO THE  
19 APPLICABLE BOARD AS PART OF THE LICENSEE'S, REGISTRANT'S, OR  
20 CERTIFICATE HOLDER'S INITIAL APPLICATION FOR LICENSURE,  
21 REGISTRATION, OR CERTIFICATION;

22 (V) THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS NO  
23 LONGER SERVING A TERM OF IMPRISONMENT, PROBATION, OR PAROLE IN  
24 RELATION TO ONE OR MORE OF THE CONVICTIONS CONTAINED IN THE  
25 CONVICTION RECORDS; AND

26 (VI) AT LEAST SEVEN YEARS HAVE ELAPSED SINCE THE MOST  
27 RECENT CONVICTION CONTAINED IN THE CONVICTION RECORDS WAS

1 ENTERED.

2 (b) THIS SUBSECTION (4.5) DOES NOT APPLY TO CONVICTION  
3 RECORDS IN THE CUSTODY OF A BOARD PURSUANT TO THE ISSUANCE OF A  
4 CONDITIONAL LICENSE ISSUED BY A BOARD UNDER SECTION 24-34-107(5).

5 (c) AS USED IN THIS SUBSECTION (4.5), "CONVICTION RECORDS"  
6 HAS THE SAME MEANING AS SET FORTH IN SECTION 24-72-701 (3).

7 (9) (a) (I) A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER WHO  
8 WAS ISSUED A LETTER OF ADMONITION BY A BOARD PURSUANT TO SECTION  
9 12-20-404 (4) MAY FILE A PETITION TO SEAL THE LETTER WITH THE BOARD  
10 THAT ISSUED THE LETTER OF ADMONITION . A LICENSEE, REGISTRANT, OR  
11 CERTIFICATE HOLDER MAY FILE A PETITION FOR:

12 (A) A MINOR OR ADMINISTRATIVE VIOLATION AS DETERMINED BY  
13 RULE OF THE BOARD, ON OR AFTER THREE YEARS AFTER THE DATE THE  
14 LETTER OF ADMONITION WAS ISSUED; AND

15 (B) A VIOLATION OF A SERIOUS NATURE AS DETERMINED BY RULE  
16 OF THE BOARD, INCLUDING INSTANCES OF MISCONDUCT INVOLVING DIRECT  
17 HARM TO A CLIENT, ON OR AFTER SEVEN YEARS AFTER THE DATE THE  
18 LETTER OF ADMONITION WAS ISSUED.

19 (II) UPON THE ISSUANCE OF A LETTER OF ADMONITION BY A BOARD  
20 TO A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER, THE BOARD SHALL  
21 NOTIFY THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER OF THE TIME  
22 FRAME IN WHICH THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER  
23 MAY PETITION THE BOARD TO SEAL THE LETTER OF ADMONITION.

24 (b) NOTWITHSTANDING SUBSECTION (9)(a) OF THIS SECTION, A  
25 LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER WHO HAS BEEN:

26 (I) SUBJECT TO TWO OR MORE PUBLIC DISCIPLINARY ACTIONS,  
27 INCLUDING THE ISSUANCE OF LETTERS OF ADMONITION, FROM THE SAME

1 BOARD IS INELIGIBLE TO PETITION THE BOARD PURSUANT TO THIS  
2 SUBSECTION (9); AND

3 (II) PLACED ON PROBATION OR SUBJECTED TO CONDITIONS FOR  
4 CONTINUED PRACTICE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION  
5 IS INELIGIBLE TO PETITION THE BOARD PURSUANT TO THIS SUBSECTION (9)  
6 PRIOR TO THE EXPIRATION OF THE PROBATIONARY PERIOD OR CONDITIONS  
7 FOR CONTINUED PRACTICE.

8 (c) AFTER THE RECEIPT OF A PETITION FROM A LICENSEE,  
9 REGISTRANT, OR CERTIFICATE HOLDER, A BOARD HAS THE SOLE  
10 DISCRETION TO APPROVE OR DENY THE PETITION. THE DETERMINATION OF  
11 THE BOARD IS A FINAL AGENCY ACTION AND IS NOT SUBJECT TO APPEAL.  
12 IN MAKING A DETERMINATION ON WHETHER TO SEAL A LETTER OF  
13 ADMONITION, A BOARD SHALL CONSIDER THE FOLLOWING:

14 (I) THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE BOARD  
15 ISSUED THE LETTER OF ADMONITION;

16 (II) ANY INFORMATION PRODUCED BY THE LICENSEE, REGISTRANT,  
17 OR CERTIFICATE HOLDER, OR PRODUCED ON SUCH INDIVIDUAL'S BEHALF,  
18 REGARDING REHABILITATION;

19 (III) EVIDENCE OF A LACK OF SUBSEQUENT PROFESSIONAL  
20 MISCONDUCT;

21 (IV) THE SEVERITY OF THE MISCONDUCT UNDERLYING THE LETTER  
22 OF ADMONITION;

23 (V) THE SEVERITY OF THE HARM CAUSED TO A CLIENT AS A  
24 CONSEQUENCE OF THE MISCONDUCT FOR WHICH THE LETTER OF  
25 ADMONITION WAS ISSUED;

26 (VI) WHETHER THE LETTER OF ADMONITION WAS ISSUED DUE TO  
27 FRAUD ON THE PART OF THE LICENSEE, REGISTRANT, OR CERTIFICATE

1 HOLDER;

2 (VII) WHETHER THE LETTER OF ADMONITION WAS ISSUED IN  
3 RESPONSE TO AN IDENTIFIED PATTERN OF MISCONDUCT; AND

4 (VIII) ANY OTHER RELEVANT FACTORS AS DETERMINED BY THE  
5 BOARD.

6 (d) IF A BOARD DENIES A PETITION TO SEAL A LETTER OF  
7 ADMONITION, THE BOARD MUST PROVIDE THE PETITIONER WITH A WRITTEN  
8 EXPLANATION OF THE REASON THE PETITION WAS DENIED. A LICENSEE,  
9 REGISTRANT, OR CERTIFICATE HOLDER MAY NOT FILE A SUBSEQUENT  
10 PETITION TO SEAL THE LETTER OF ADMONITION THAT IS THE SUBJECT OF  
11 THE DENIAL.

12 (e) A SEALED LETTER OF ADMONITION IS CONFIDENTIAL AND MAY  
13 NOT BE ACCESSED BY ANY PERSON OTHER THAN THE BOARD THAT ISSUED  
14 A LETTER OF ADMONITION; EXCEPT THAT A BOARD:

15 (I) SHALL UNSEAL THE LETTER OF ADMONITION IF THE BOARD  
16 ISSUES A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER A NEW LETTER  
17 OF ADMONITION OR TAKES OTHER DISCIPLINARY ACTION AFTER THE  
18 INITIAL LETTER IS SEALED;

19 (II) SHALL PERMIT INSPECTION OF A SEALED LETTER OF  
20 ADMONITION UPON A REQUEST AND IF PERMITTED PURSUANT TO  
21 SUBSECTION (4) OF THIS SECTION AND THE "COLORADO OPEN RECORDS  
22 ACT", PART 2 OF ARTICLE 72 OF TITLE 24; AND

23 (III) MAY SHARE A SEALED LETTER OF ADMONITION WITH  
24 ANOTHER REGULATOR UPON REQUEST OF SUCH REGULATOR.

25 (f) AN EMPLOYER, STATE OR LOCAL GOVERNMENT AGENCY,  
26 GOVERNMENT OFFICIAL, LANDLORD, OR EMPLOYEE SHALL NOT REQUIRE A  
27 LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER TO DISCLOSE ANY

1 INFORMATION CONTAINED IN A SEALED LETTER OF ADMONITION FOR ANY  
2 PURPOSE. A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS NOT  
3 REQUIRED TO INCLUDE A REFERENCE TO, OR INFORMATION CONCERNING,  
4 THE SEALED LETTER OF ADMONITION IN ANSWER TO ANY QUESTION  
5 CONCERNING PROFESSIONAL DISCIPLINARY RECORDS THAT HAVE BEEN  
6 SEALED AND MAY STATE THAT THE LICENSEE, REGISTRANT, OR  
7 CERTIFICATE HOLDER HAS NOT BEEN SUBJECT TO DISCIPLINE BY A BOARD.

8 (g) NOTHING IN THIS SUBSECTION (9) AUTHORIZES A REGULATOR  
9 TO PHYSICALLY DESTROY A LETTER OF ADMONITION.

10 (h) A FINAL AGENCY ACTION SEALING A LETTER OF ADMONITION  
11 PURSUANT TO THIS SUBSECTION (9) DOES NOT LIMIT:

12 (I) THE COLORADO RULES OF CIVIL PROCEDURE AND THE  
13 COLORADO RULES OF EVIDENCE ADOPTED OR AMENDED BY THE  
14 COLORADO SUPREME COURT OR THE RULES ADOPTED BY ANY OTHER  
15 STATE OR FEDERAL COURT; OR

16 (II) THE PROVISIONS OF SECTION 13-90-101 CONCERNING WITNESS  
17 TESTIMONY.

18 **SECTION 4.** In Colorado Revised Statutes, 12-245-803, **amend**  
19 (4) as follows:

20 **12-245-803. Practice of addiction counseling defined - scope of**  
21 **practice. (4) Scope of practice - licensed addiction counselors.** Based  
22 on education, training, knowledge, and experience, the scope of practice  
23 of a licensed addiction counselor includes behavioral health counseling  
24 and may include the treatment of substance use disorders, addictive  
25 behavioral disorders, and co-occurring MENTAL HEALTH disorders,  
26 including clinical evaluation and diagnosis, treatment planning, service  
27 coordination, case management, clinical documentation, professional and



1 ethical responsibilities, education and psychotherapy with clients, family,  
2 and community, clinical supervisory responsibilities, and intervention.

3 **SECTION 5.** In Colorado Revised Statutes, 12-245-804, **amend**  
4 (1)(e), (1)(g), (3.5)(a) introductory portion, (3.5)(a)(I), (3.5)(b)  
5 introductory portion, (3.5)(b)(I), and (3.5)(b)(II) as follows:

6 **12-245-804. Requirements for licensure, certification, and**  
7 **registration - rules.** (1) The board shall issue a license as an addiction  
8 counselor to an applicant who files an application in the form and manner  
9 required by the board, submits the fee required by the board pursuant to  
10 section 12-245-205, and submits evidence satisfactory to the board that  
11 the applicant:

12 (e) Has met the EDUCATION requirements ~~for a certificate of~~  
13 ~~addiction specialist~~ SPECIFIED IN THE RULES PROMULGATED BY THE STATE  
14 BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES  
15 PURSUANT TO SECTION 27-80-108 (1)(e);

16 (g) Has completed at least ~~three~~ TWO thousand DIRECT CLINICAL  
17 hours of clinically supervised work experience in the addiction field. ~~with~~  
18 ~~a minimum of two thousand direct clinical hours.~~ The clinical supervision  
19 may be in-person or telesupervision.

20 (3.5) In the rules promulgated pursuant to subsection (3) of this  
21 section, the board shall require that:

22 (a) A certified addiction technician HAVE:

23 (I) ~~Have~~ A high school diploma or its equivalent;

24 (b) A certified addiction specialist HAVE:

25 (I) ~~Have~~ A bachelor's degree in a ~~clinical~~ behavioral health  
26 concentration OR HUMAN SERVICES EQUIVALENT;

27 (II) Accrued a minimum of ~~two~~ THREE thousand hours of

1 supervised clinic work hours over a minimum of ~~twelve~~ EIGHTEEN  
2 months, which may include the ONE THOUSAND hours required ACCRUED  
3 for certification as a certified addiction ~~specialist~~ TECHNICIAN;

4 **SECTION 6.** In Colorado Revised Statutes, 12-245-805, **amend**  
5 (3)(a)(V); and **add** (2.5) as follows:

6 **12-245-805. Rights and privileges of certification and licensure**  
7 **- titles.** (2.5) (a) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED,  
8 AND UNREVOKED CERTIFICATE AS A CERTIFIED ADDICTION SPECIALIST MAY  
9 PROVIDE CLINICAL SUPERVISION FOR CERTIFICATION PURPOSES TO A  
10 PERSON WORKING TOWARD CERTIFICATION AS A CERTIFIED ADDICTION  
11 TECHNICIAN OR A CERTIFIED ADDICTION SPECIALIST.

12 (b) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND  
13 UNREVOKED LICENSE AS AN ADDICTION COUNSELOR MAY PROVIDE  
14 CLINICAL SUPERVISION FOR LICENSURE OR CERTIFICATION PURPOSES TO  
15 PERSONS WORKING TOWARD LICENSURE AS A LICENSED ADDICTION  
16 COUNSELOR, CERTIFICATION AS AN ADDICTION SPECIALIST OR TECHNICIAN,  
17 OR OTHER CREDENTIAL AS AUTHORIZED BY THIS ARTICLE 245 OR BY RULE  
18 OF THE BOARD.

19 (3) (a) The practice of a certified addiction technician may  
20 include:

21 (V) ~~Co-facilitating~~ FACILITATING PSYCHOEDUCATION AND therapy  
22 groups with ~~certified addiction specialists or licensed addiction~~  
23 ~~counselors~~ APPROPRIATE TRAINING AND CLINICAL SUPERVISION AND  
24 WITHIN A TREATMENT OR HEALTH FACILITY LICENSED PURSUANT TO  
25 SECTION 25-1.5-103;

26 **SECTION 7.** In Colorado Revised Statutes, 27-80-108, **amend**  
27 (2) as follows:

1           **27-80-108. Rules.** (2) In the rules promulgated pursuant to  
2 subsection (1)(e) of this section, the state board of human services shall  
3 ~~require the following~~ INCLUDE education requirements FOR CERTIFIED  
4 ADDICTION TECHNICIANS, CERTIFIED ADDICTION SPECIALISTS, AND  
5 LICENSED ADDICTION COUNSELORS.

6           ~~(a) For certified addiction technicians:~~

7           ~~(I) Completion of course work and training in addiction~~  
8 ~~counseling, client records management, principles of addiction,~~  
9 ~~professional ethics, culturally informed treatment, pharmacology,~~  
10 ~~motivational interviewing, trauma-informed care, and group counseling~~  
11 ~~skills; and~~

12           ~~(II) Other courses and training as determined by the state board of~~  
13 ~~human services.~~

14           ~~(b) For certified addiction specialists:~~

15           ~~(I) Completion of course work and training in clinical assessment~~  
16 ~~and treatment planning, cognitive behavioral therapy, co-occurring~~  
17 ~~disorders, advanced pharmacology, advanced professional ethics,~~  
18 ~~advanced motivational interviewing, advanced models, specialized~~  
19 ~~addiction treatment, and infectious diseases; and~~

20           ~~(II) Other courses and training as determined by the state board of~~  
21 ~~human services.~~

22           **SECTION 8. Effective date.** This act takes effect July 1, 2021.

23           **SECTION 9. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, or safety.