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SENATE BILL 24-115

BY SENATOR(S) Michaelson Jenet and Smallwood, Bridges, Cutter, Danielson, Fields, Jaquez Lewis, Priola;
also REPRESENTATIVE(S) Young and Sirota, Amabile, Boesenecker, Brown, deGruy Kennedy, Epps, Froelich, Garcia, Hernandez, Herod, Jodeh, Kipp, Lindsay, Mabrey, Mauro, Rutinel, Story, Velasco, McCluskie.

CONCERNING REQUIREMENTS TO PRACTICE AS A MENTAL HEALTH PROFESSIONAL.

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

SECTION 1. In Colorado Revised Statutes, 12-245-216, **repeal** (1)(b)(I) as follows:

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

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

(b) (I) ~~An explanation of the levels of regulation applicable to mental health professionals under this article 245 and the differences between licensure, registration, and certification, including the educational,~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~experience, and training requirements applicable to the particular level of regulation, and~~

SECTION 2. In Colorado Revised Statutes, 12-245-232, **add** (3) as follows:

12-245-232. Minimum standards for testing. (3) THE TESTING REQUIRED PURSUANT TO THIS SECTION MAY BE ADMINISTERED BY A QUALIFIED PSYCHOMETRICIAN OR STUDENT TRAINEE WORKING UNDER THE DIRECT SUPERVISION OF A LICENSEE WHO MEETS THE REQUIREMENTS IN THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 12-245-304, **amend** (3)(b); **repeal** (3)(a)(II); and **add** (3)(a)(III) and (3)(c) as follows:

12-245-304. Qualifications - examinations - licensure and registration - rules. (3) (a) The board shall register as a psychologist candidate a person who files an application for registration, accompanied by the fee required by section 12-245-205, and who:

(II) ~~Has not been previously registered as a psychologist candidate by the board.~~

(III) HAS PASSED A JURISPRUDENCE EXAMINATION ADMINISTERED BY THE DIVISION.

(b) A psychologist candidate registered pursuant to this subsection (3) is under the jurisdiction of the board. ~~The psychologist candidate may, but is not required to, register with the database of unlicensed psychotherapists pursuant to section 12-245-703.~~ If the requirements of subsections (1)(d) and (1)(e) of this section are not met within ~~four~~ THREE years, the registration of the psychologist candidate ~~expires and is not renewable unless the board, in its discretion, grants the candidate an extension.~~ A person whose psychologist candidate registration expires is not precluded from applying for licensure or registration with any other mental health board for which the person is qualified IS SUBJECT TO THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202. PRIOR TO A SECOND OR SUBSEQUENT RENEWAL OF A PSYCHOLOGIST CANDIDATE REGISTRATION, THE REGISTERED PSYCHOLOGIST CANDIDATE SHALL COMPLETE CONTINUING PROFESSIONAL DEVELOPMENT

ANDEDUCATIONAL HOURS TO MAINTAIN THE CANDIDATE'S REGISTRATION AS A REGISTERED PSYCHOLOGIST CANDIDATE.

(c) ON OR BEFORE DECEMBER 31, 2024, THE BOARD SHALL BEGIN THE RULE-MAKING PROCESS TO PROMULGATE RULES THAT BRING THE RULES PERTAINING TO PSYCHOLOGISTS INTO ALIGNMENT WITH THIS PART 3, INCLUDING:

(I) A REQUIREMENT TO TAKE AND PASS THE COLORADO JURISPRUDENCE EXAMINATION TO OBTAIN A PSYCHOLOGIST CANDIDATE REGISTRATION;

(II) THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202; AND

(III) THE CONTINUING PROFESSIONAL DEVELOPMENT AND EDUCATIONAL HOURS SPECIFIED IN SUBSECTION (3)(b) OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 12-245-404, **amend** (1)(c), (3)(a), and (4)(b); **repeal** (4)(a)(II); and **add** (4)(a)(III) and (4)(c) as follows:

12-245-404. Qualifications - examination - licensure and registration - rules. (1) The board shall license as a licensed social worker a person who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and submits evidence satisfactory to the board that the applicant:

(c) Demonstrates ~~professional~~ LEGAL AND ETHICAL competence by satisfactorily passing ~~an examination in social work as prescribed by the board and~~ a jurisprudence examination administered by the division.

(3) (a) The board or its designated representative shall give the examination described in ~~subsection (1)(c) of this section and in~~ subsection (2)(d) of this section at least twice per year at a time and place and under the supervision determined by the board.

(4) (a) The board shall register as a clinical social worker candidate a person who files an application for registration, accompanied by the fee

required by section 12-245-205, who is not in violation of any provision of this article 245 or any rules promulgated by the board, and who:

~~(II) Has not been previously registered as a clinical social worker candidate by the board.~~

(III) HAS PASSED A JURISPRUDENCE EXAMINATION ADMINISTERED BY THE DIVISION.

(b) A clinical social worker candidate registered pursuant to this subsection (4) is under the jurisdiction of the board. If the requirements of subsections (2)(c) and (2)(d) of this section are not met within ~~four~~ THREE years after the date of registration as a candidate, the registration of the clinical social worker candidate ~~expires and is not renewable unless the board, in its discretion, grants the candidate an extension.~~ A person whose clinical social worker candidate registration expires is ~~not precluded from applying for licensure or registration with any other mental health board for which the person is qualified~~ SUBJECT TO THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202. PRIOR TO A SECOND OR SUBSEQUENT RENEWAL OF A CLINICAL SOCIAL WORKER CANDIDATE REGISTRATION, THE REGISTERED CLINICAL SOCIAL WORKER CANDIDATE SHALL COMPLETE CONTINUING PROFESSIONAL DEVELOPMENT AND EDUCATIONAL HOURS TO MAINTAIN THE CANDIDATE'S REGISTRATION AS A REGISTERED CLINICAL SOCIAL WORKER CANDIDATE.

(c) ON OR BEFORE DECEMBER 31, 2024, THE BOARD SHALL BEGIN THE RULE-MAKING PROCESS TO PROMULGATE RULES THAT BRING THE RULES PERTAINING TO SOCIAL WORKERS INTO ALIGNMENT WITH THIS PART 4, INCLUDING:

(I) A REQUIREMENT TO TAKE AND PASS THE COLORADO JURISPRUDENCE EXAMINATION TO OBTAIN A CLINICAL SOCIAL WORKER CANDIDATE REGISTRATION;

(II) THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202; AND

(III) THE CONTINUING PROFESSIONAL DEVELOPMENT AND EDUCATIONAL HOURS SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION.

SECTION 5. In Colorado Revised Statutes, **amend** 12-245-408 as follows:

12-245-408. Clinical social work practice of psychotherapy. For the purpose of licensure, the practice, under this part 4, of psychotherapy and other clinical activities within the definition of social work practice in section 12-245-403 is limited to licensed clinical social workers or licensed social workers AND CLINICAL SOCIAL WORKER CANDIDATES supervised in accordance with section 12-245-404 (2)(c).

SECTION 6. In Colorado Revised Statutes, 12-245-504, **amend** (4)(c); **repeal** (4)(a)(III); and **add** (4)(a)(IV) and (4)(d) as follows:

12-245-504. Qualifications - examination - licensure and registration. (4) (a) The board shall register as a marriage and family therapist candidate a person who:

~~(III) Has not been previously registered as a marriage and family therapist candidate by the board.~~

(IV) HAS PASSED A JURISPRUDENCE EXAMINATION ADMINISTERED BY THE DIVISION.

~~(c) If a candidate does not meet the requirements of subsections (1)(d) and (1)(e) SUBSECTION (1)(d) of this section within four THREE years after initial registration, the candidate's registration expires and is not renewable, unless the board, in its discretion, grants the candidate an extension. A person whose marriage and family therapist candidate registration expires is not precluded from applying to this board or to any other board for licensure or registration in a mental health profession for which the person is qualified IS SUBJECT TO THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202. PRIOR TO A SECOND OR SUBSEQUENT RENEWAL OF A MARRIAGE AND FAMILY THERAPIST CANDIDATE REGISTRATION, THE REGISTERED MARRIAGE AND FAMILY THERAPIST CANDIDATE SHALL COMPLETE CONTINUING PROFESSIONAL DEVELOPMENT AND EDUCATIONAL HOURS TO MAINTAIN THE MARRIAGE AND FAMILY THERAPIST REGISTRATION AS A REGISTERED MARRIAGE AND FAMILY THERAPIST CANDIDATE.~~

(d) ON OR BEFORE DECEMBER 31, 2024, THE BOARD SHALL BEGIN

THE RULE-MAKING PROCESS TO PROMULGATE RULES THAT BRING THE RULES PERTAINING TO MARRIAGE AND FAMILY THERAPISTS INTO ALIGNMENT WITH THIS PART 5, INCLUDING:

(I) A REQUIREMENT TO TAKE AND PASS THE COLORADO JURISPRUDENCE EXAMINATION TO OBTAIN A MARRIAGE AND FAMILY THERAPIST CANDIDATE REGISTRATION;

(II) THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202; AND

(III) THE CONTINUING PROFESSIONAL DEVELOPMENT AND EDUCATIONAL HOURS SPECIFIED IN SUBSECTION (4)(c) OF THIS SECTION.

SECTION 7. In Colorado Revised Statutes, 12-245-604, **amend** (1)(d), (4)(a)(II), and (4)(c); **repeal** (4)(a)(III); and **add** (4)(d) as follows:

12-245-604. Licensure - examination - licensed professional counselors. (1) The board shall issue a license as a licensed professional counselor to each applicant who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and furnishes evidence satisfactory to the board that the applicant:

(d) (I) Has at least two years of post-master's practice or one year of postdoctoral practice in licensed professional counseling under clinical supervision; **and**

(II) Has at least two thousand hours of practice in counseling, including at least one thousand five hundred hours of face-to-face direct client contact, OR PRACTICE PURSUANT TO SECTION 12-245-603, under clinical supervision that is in person or is telesupervision; and

(III) FOR EACH ONE THOUSAND HOURS OF SUPERVISED PRACTICE IN PROFESSIONAL COUNSELING, HAS RECEIVED A MINIMUM OF FIFTY HOURS OF SUPERVISION. A MINIMUM OF TWENTY-FIVE OF THE FIFTY HOURS MUST BE INDIVIDUAL SUPERVISION, WHICH MAY BE IN PERSON OR THROUGH TELESUPERVISION. THE REMAINING TWENTY-FIVE OF THE FIFTY HOURS OF SUPERVISION EARNED MAY BE EITHER TRIADIC SUPERVISION OR GROUP SUPERVISION WITH A MAXIMUM RATIO OF ONE SUPERVISOR TO TEN

SUPERVISEES. NO OTHER MODES OF SUPERVISION WILL BE ACCEPTED.

(4) (a) The board shall register as a licensed professional counselor candidate a person who:

(II) Submits evidence satisfactory to the board that the person meets the requirements of subsections (1)(a), (1)(b), and (1)(c) of this section and HAS PASSED A JURISPRUDENCE EXAMINATION ADMINISTERED BY THE DIVISION.

(III) ~~Has not been previously registered as a licensed professional counselor candidate by the board.~~

(c) If a candidate does not meet the requirements of subsections (1)(d) and (1)(e) of this section within ~~four~~ THREE years after initial registration, the candidate's registration ~~expires and is not renewable, unless the board, in its discretion, grants the candidate an extension. A person whose licensed professional counselor candidate registration expires is not precluded from applying to this board or to any other board for licensure or registration in a mental health profession for which the person is qualified~~ IS SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202. PRIOR TO A SECOND OR SUBSEQUENT RENEWAL OF A CANDIDATE REGISTRATION, THE REGISTERED LICENSED PROFESSIONAL COUNSELOR CANDIDATE SHALL COMPLETE CONTINUING PROFESSIONAL COMPETENCY HOURS TO MAINTAIN THEIR REGISTRATION AS A REGISTERED LICENSED PROFESSIONAL COUNSELOR CANDIDATE.

(d) ON OR BEFORE DECEMBER 31, 2024, THE BOARD SHALL BEGIN THE RULE-MAKING PROCESS TO PROMULGATE RULES THAT BRING THE RULES PERTAINING TO LICENSED PROFESSIONAL COUNSELORS INTO ALIGNMENT WITH THIS PART 6, INCLUDING:

(I) ALLOWANCE OF A LICENSED PROFESSIONAL COUNSELOR CANDIDATE TO RENEW A LICENSED PROFESSIONAL COUNSELOR CANDIDATE REGISTRATION FOR FOUR YEARS IF THE CANDIDATE SUBMITS AN APPLICATION FOR RENEWAL TO THE BOARD BEFORE THE EXPIRATION DATE OF THE CURRENT LICENSED PROFESSIONAL COUNSELOR CANDIDATE REGISTRATION;

(II) THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE

PROVISIONS SPECIFIED IN SECTION 12-20-202;

(III) ALLOWANCE OF A PERSON WHILE IN THE FINAL SEMESTER OF A MASTER'S OR DOCTORAL DEGREE IN PROFESSIONAL COUNSELING FROM AN ACCREDITED SCHOOL, COLLEGE, OR EQUIVALENT PROGRAM TO PRACTICE IN ACCORDANCE WITH SECTION 12-245-217 (2)(g) AFTER THE PERSON'S PRACTICUM AND INTERNSHIP ARE COMPLETED; AND

(IV) THE CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS SPECIFIED IN SUBSECTION (4)(c) OF THIS SECTION.

SECTION 8. In Colorado Revised Statutes, 12-245-804, **amend** (3.7) as follows:

12-245-804. Requirements for licensure, certification, and registration - rules. (3.7) (a) The board shall register as an addiction counselor candidate a person who files an application for registration, accompanied by the fee required by section 12-245-205, who is not in violation of any provision of this article 245 or any rules promulgated by the board, and who:

(I) Submits evidence satisfactory to the board that the person has met the requirements of subsections (1)(a), (1)(b), and (1)(c) of this section.
and

(II) ~~Has not previously registered as an addiction counselor candidate with the board.~~

(b) An addiction counselor candidate registered pursuant to this subsection (3.7) is under the jurisdiction of the board. If the requirements of subsections (1)(d) to (1)(g) of this section are not met within ~~four~~ THREE years after the date of registration as a candidate or within one year if the candidate holds an equivalent credential from another state, the registration of the addiction counselor candidate ~~expires and is not renewable unless the board, in its discretion, grants the candidate an extension. A person whose addiction counselor candidate registration expires is not precluded from applying for licensure or registration with any other mental health board for which the person is qualified~~ IS SUBJECT TO THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202. PRIOR TO A SECOND OR SUBSEQUENT RENEWAL OF AN ADDICTION COUNSELOR

CANDIDATE REGISTRATION, THE REGISTERED ADDICTION COUNSELOR CANDIDATE SHALL COMPLETE CONTINUING PROFESSIONAL COMPETENCY HOURS TO MAINTAIN THE REGISTERED ADDICTION COUNSELOR'S REGISTRATION AS A REGISTERED ADDICTION COUNSELOR CANDIDATE.

(c) ON OR BEFORE DECEMBER 31, 2024, THE BOARD SHALL BEGIN THE RULE-MAKING PROCESS TO PROMULGATE RULES THAT BRING THE RULES PERTAINING TO ADDICTION COUNSELORS INTO ALIGNMENT WITH THIS PART 8, INCLUDING:

(I) A REQUIREMENT TO TAKE AND PASS THE COLORADO JURISPRUDENCE EXAMINATION TO OBTAIN AN ADDICTION COUNSELOR CANDIDATE REGISTRATION;

(II) THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202; AND

(III) THE CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS SPECIFIED IN SUBSECTION (3.7)(b) OF THIS SECTION.

SECTION 9. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO