

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 11-0122.01 Christy Chase

SENATE BILL 11-187

SENATE SPONSORSHIP

Newell,

HOUSE SPONSORSHIP

Fields, Summers

Senate Committees

Health and Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF MENTAL**
102 **HEALTH PROFESSIONALS, AND, IN CONNECTION THEREWITH,**
103 **CONTINUING THE STATE BOARDS OF PSYCHOLOGIST EXAMINERS,**
104 **SOCIAL WORK EXAMINERS, MARRIAGE AND FAMILY THERAPIST**
105 **EXAMINERS, AND LICENSED PROFESSIONAL COUNSELOR**
106 **EXAMINERS AND THE STATE GRIEVANCE BOARD, CREATING THE**
107 **STATE BOARD OF ADDICTION COUNSELOR EXAMINERS,_____**
108 **IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE**
109 **SUNSET REVIEW AND REPORT OF STATE-REGULATED MENTAL**
110 **HEALTH PROFESSIONALS, AND MAKING AN APPROPRIATION.**

Bill Summary

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.

(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://www.leg.state.co.us/billsummaries>.)

Sunset Process - Senate Health and Human Services Committee. The bill implements the recommendations of the sunset review and report on state-regulated mental health professionals as follows:

Sections 1, 2, and 3 of the bill continue the boards of psychologist examiners, social work examiners, marriage and family therapist examiners, and licensed professional counselor examiners and the state grievance board, and the regulation of psychologists, social workers, marriage and family therapists, licensed professional counselors, psychotherapists, and addiction counselors (oversight boards) through September 1, 2020.

Section 4 defines terms relevant to the practice of addiction counseling. **Section 5** creates the state board of addiction counselor examiners to regulate addiction counselors, thereby eliminating the authority of the director of the division of registrations to regulate addiction counselors.

Sections 6 and 7 continue indefinitely the ability of the oversight boards to issue a provisional license to a candidate for a mental health professional license or certification if the candidate has satisfied the education requirements for a license or certification but has not yet satisfied the experience requirements. Section 7 also adds the newly created state board of addiction counselor examiners to the definition of "board", changes the name of "unlicensed psychotherapists" to "registered psychotherapists" in recognition of the fact that psychotherapists are required to register with, and are regulated by, the state grievance board, repeals unnecessary definitions, and makes other technical modifications to definitions.

Sections 8 and 9 create a registry for marriage and family therapy and licensed professional counselor licensure candidates who are working toward full licensure, consistent with candidate registries currently available for psychologist, social worker, and addiction counselor licensure candidates. The sections also permit the regulatory boards for marriage and family therapists and licensed professional counselors to administer computer-based examinations to determine an applicant's competency in the particular practice area.

Section 10 repeals a duplicate definition of "psychotherapy" to avoid confusion with another broader definition of that term in another provision of the article and repeals the definition of "unlicensed psychotherapist" to comport with the change, per section 7 of the bill, to

"registered psychotherapists". **Section 11** makes further, conforming changes related to the name change for psychotherapists and allows the state grievance board to administer on-line examinations to psychotherapists applying for registration.

Sections 12 and 13 permit the oversight boards for psychologists and social workers to establish computer-based jurisprudence examinations for license, certification, or registration applicants to increase efficiency in the administration of examinations. These sections also contain technical corrections to the statutes as recommended in the sunset report.

Section 14 amends the statute outlining activities that are prohibited for persons regulated under the act as follows:

- ! Eliminates the requirement that a person who has been convicted of a felony can be disciplined only if the felony relates to the ability to practice the person's mental health profession;
- ! Restates the grounds for discipline regarding use or abuse of alcohol or drugs to eliminate the term "intemperate";
- ! Eliminates the ability of a board to discipline a licensee, registrant, or certificate holder simply for having a mental or physical illness or condition that impairs the person's ability to practice his or her profession and instead allows the applicable board to discipline the licensee, registrant, or certificate holder for failing to notify the board of the limitation, failing to act within the limitations of the illness or condition, or failing to comply with the conditions in a confidential agreement with the board related to the person's mental or physical illness or condition;
- ! For purposes of determining whether a person has acted or failed to act in a manner consistent with generally accepted standards of the professional discipline under which the person practices, adds a reference to the standards of practice generally recognized by state and national associations of practitioners in the field of the person's professional discipline;
- ! Narrows the prohibition against dual relationships to prohibit a mental health professional from maintaining relationships with clients in cases where the person's professional judgment was impaired or the person exploited the client;
- ! Eliminates the requirement that repeated ordering of unnecessary laboratory tests or studies must be willful in order to be grounds for disciplining the person; and
- ! Adds as a ground for discipline the failure to respond to a complaint.

Section 15 authorizes the oversight boards to impose an administrative fine on a licensee, registrant, or certificate holder who violates an administrative requirement of the statutes or rules. The boards are required to adopt rules setting up a schedule of fines, and the administrative fines cannot exceed \$5,000 per violation.

Section 16 authorizes the oversight boards to enter into confidential agreements to restrict the practice of a licensee, registrant, or certificate holder who has a mental or physical illness or condition that affects his or her ability to practice the profession with reasonable skill and safety to clients.

Sections 39, 43, 50, 53, and 56 modify the membership on the oversight boards to eliminate one public member on each board and replace that member with a person engaged in or authorized to practice the particular profession. Section 43 also permits the state board of social work examiners, on its own or at the request of a licensee, to appoint advisory committees to assist with the operations of the board.

Sections 40, 54, and 59 modify the definitions of "practice of psychology", "practice of licensed professional counseling", and "practice of addiction counseling", respectively, to conform to model practice act language adopted by the applicable national professional associations. **Section 44** adds counseling to the list of permissible practices of a social worker.

Sections 60 and 61 recodify laws pertaining to the licensure and certification of addiction counselors to specify qualifications for licensure as an addiction counselor and certification as either a level I, II, or III certified addiction counselor and the particular activities in which addiction counselors are permitted to engage based on whether the addiction counselor is licensed or has a level I, II, or III certification.

Sections 17 through 38, 41, 42, 45 through 49, 51, 52, 55, 57, 59, and 62 through 72 make technical and conforming changes to the mental health professional practice act statutes.

The bill takes effect July 1, 2011.

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

2 **SECTION 1.** 12-43-229, Colorado Revised Statutes, is amended
3 to read:

4 **12-43-229. Repeal of article.** (1) ~~Parts 1 to 7 of~~ This article are
5 IS repealed, effective ~~July 1, 2011~~ SEPTEMBER 1, 2020. Prior to such
6 repeal, all of the boards relating to the licensing, REGISTRATION, OR
7 CERTIFICATION of and grievances against any person licensed, registered,

1 or ~~regulated~~ CERTIFIED pursuant to ~~the provisions~~ of this article shall be
2 reviewed as provided for in section 24-34-104, C.R.S.

3 (2) ~~The functions of the director regarding addiction counselors~~
4 ~~as set forth in part 8 of this article are repealed, effective July 1, 2011.~~
5 ~~Prior to such repeal, the functions of the director shall be reviewed~~
6 ~~pursuant to section 24-34-104, C.R.S.~~

7 **SECTION 2. Repeal.** 24-34-104 (42) (g) and (42) (n), Colorado
8 Revised Statutes, are repealed as follows:

9 **24-34-104. General assembly review of regulatory agencies**
10 **and functions for termination, continuation, or reestablishment.**

11 (42) The following agencies, functions, or both, shall terminate on July
12 1, 2011:

13 (g) ~~Notwithstanding paragraph (a) of subsection (11) of this~~
14 ~~section, boards relating to the licensing of and grievances against any~~
15 ~~person regulated, registered, or licensed pursuant to parts 3, 4, 5, 6, and~~
16 ~~7 of article 43 of title 12, C.R.S., and created pursuant to article 43 of title~~
17 ~~12, C.R.S.;~~

18 (n) ~~The licensing, certification, and regulation of addiction~~
19 ~~counselors by the director of the division of registrations in the~~
20 ~~department of regulatory agencies in accordance with part 8 of article 43~~
21 ~~of title 12, C.R.S.;~~

22 **SECTION 3.** 24-34-104 (51.5), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24 **24-34-104. General assembly review of regulatory agencies**
25 **and functions for termination, continuation, or reestablishment.**

26 (51.5) The following agencies, functions, or both, shall terminate on
27 September 1, 2020:

1 (c) NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (11) OF
2 THIS SECTION, BOARDS CREATED PURSUANT TO ARTICLE 43 OF TITLE 12,
3 C.R.S., AND RELATING TO THE LICENSING, REGISTRATION, OR
4 CERTIFICATION OF AND GRIEVANCES AGAINST ANY PERSON LICENSED,
5 REGISTERED, OR CERTIFIED PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S.;

6 **SECTION 4.** 12-43-801, Colorado Revised Statutes, is amended
7 to read:

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

10 (1) "ADDICTION" MEANS A PERSISTENT, COMPULSIVE DEPENDENCE
11 ON A BEHAVIOR OR SUBSTANCE, INCLUDING MOOD-ALTERING BEHAVIORS
12 OR ACTIVITIES KNOWN AS PROCESS ADDICTIONS.

13 (2) "ADMINISTRATIVE SUPERVISION" MEANS OVERSIGHT OF
14 TREATMENT AGENCY OPERATIONS, ORGANIZATION OF PEOPLE AND
15 RESOURCES, AND IMPLEMENTATION OF POLICIES AND PROCEDURES IN A
16 WAY THAT DIRECTS ACTIVITIES TOWARDS AGENCY GOALS AND
17 OBJECTIVES.

18 (3) "APPROVED SCHOOL, COLLEGE, OR UNIVERSITY" MEANS ANY
19 ACCREDITED INSTITUTION OF HIGHER EDUCATION OFFERING A FULL-TIME
20 GRADUATE OR UNDERGRADUATE COURSE OF STUDY IN BEHAVIORAL
21 HEALTH SCIENCES, SUCH AS ADDICTION COUNSELING, HUMAN SERVICES,
22 PSYCHOLOGY, REHABILITATION, SOCIAL WORK, OR OTHER BEHAVIORAL
23 HEALTH SCIENCES, THAT IS RECOGNIZED BY AN APPROPRIATE NATIONAL
24 ORGANIZATION AND IS APPROVED BY THE BOARD.

25 (4) "BEHAVIORAL HEALTH DISORDERS" MEANS BOTH MENTAL AND
26 SUBSTANCE USE DISORDERS.

27 (5) "BOARD" MEANS THE STATE BOARD OF ADDICTION COUNSELOR

1 EXAMINERS CREATED IN SECTION 12-43-802.

2 (6) "CERTIFIED" MEANS CERTIFIED AS AN ADDICTION COUNSELOR
3 CERTIFIED AT LEVEL I, II, OR III.

4 ~~(4)~~ (7) "Certified addiction counselor" means an individual who
5 has a certificate issued by the ~~director~~ BOARD AUTHORIZING THE
6 INDIVIDUAL to practice addiction counseling COMMENSURATE WITH HIS OR
7 HER CERTIFICATION LEVEL AND SCOPE OF PRACTICE.

8 ~~(2)~~ "Director" means the director of the division of registrations
9 in the department of regulatory agencies.

10 (8) "CLINICAL SUPERVISION" MEANS:

11 (a) THE EVALUATION AND MODIFICATION OR APPROVAL BY A
12 SUPERVISOR OF THE CLINICAL PRACTICE OF THE PERSON BEING
13 SUPERVISED; AND

14 (b) A SOURCE OF KNOWLEDGE, EXPERTISE, AND MORE ADVANCED
15 SKILLS MADE AVAILABLE TO THE PERSON BEING SUPERVISED.

16 (9) "CO-OCCURRING DISORDERS" MEANS THE EXISTENCE OF ONE
17 OR MORE SUBSTANCE USE DISORDERS, ADDICTIVE BEHAVIORAL
18 DISORDERS, OR MENTAL DISORDERS PRESENTING CONCURRENTLY. AT THE
19 INDIVIDUAL LEVEL, CO-OCCURRING DISORDERS EXIST WHEN AT LEAST ONE
20 DISORDER == CAN BE ESTABLISHED INDEPENDENT OF THE OTHER, AND THE
21 DISORDERS ARE NOT SIMPLY A CLUSTER OF SYMPTOMS RESULTING FROM
22 A SINGLE DISORDER.

23 (10) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD
24 PURSUANT TO THIS PART 8 TO ENGAGE IN THE PRACTICE OF A LICENSED
25 ADDICTION COUNSELOR.

26 ~~(3)~~ (11) "Licensed addiction counselor" means a person ~~who~~
27 ~~renders addiction counseling to an individual, group, or organization and~~

1 ~~who holds a license issued~~ LICENSED by the ~~director~~ BOARD TO PROVIDE
2 PROFESSIONAL BEHAVIORAL HEALTH DISORDER TREATMENT.

3 **SECTION 5.** 12-43-802, Colorado Revised Statutes, is
4 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

5 **12-43-802. State board of addiction counselor examiners.**

6 (1) THERE IS HEREBY CREATED A STATE BOARD OF ADDICTION
7 COUNSELOR EXAMINERS UNDER THE SUPERVISION AND CONTROL OF THE
8 DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY
9 AGENCIES. ONCE THE GOVERNOR APPOINTS THE BOARD MEMBERS AND
10 THE BOARD ADOPTS NECESSARY RULES, THE BOARD IS RESPONSIBLE FOR
11 REGULATING ADDICTION COUNSELORS PURSUANT TO THIS PART 8 AND THIS
12 ARTICLE. UNTIL THEN, THE DIRECTOR RETAINS THE AUTHORITY TO
13 REGULATE ADDICTION COUNSELORS, AND THE DIRECTOR'S RULES ADOPTED
14 PURSUANT TO THIS PART 8 REMAIN IN EFFECT UNTIL THE DIRECTOR
15 REPEALS THE RULES.

16 (2) THE BOARD CONSISTS OF SEVEN MEMBERS WHO ARE CITIZENS
17 OF THE UNITED STATES AND RESIDENTS OF THE STATE OF COLORADO. BY
18 NOVEMBER 30, 2011, THE GOVERNOR SHALL APPOINT THE MEMBERS OF
19 THE BOARD AS FOLLOWS:

20 (a) (I) FOUR BOARD MEMBERS MUST BE LICENSED OR CERTIFIED
21 ADDICTION COUNSELORS, AND EXCEPT AS PROVIDED IN SUBPARAGRAPH
22 (II) OF THIS PARAGRAPH (a), AT LEAST TWO OF THESE FOUR MEMBERS
23 MUST BE ENGAGED IN THE DIRECT PRACTICE OF ADDICTION COUNSELING.
24 THE FOUR BOARD MEMBERS APPOINTED PURSUANT TO THIS PARAGRAPH (a)
25 MUST INCLUDE AT LEAST ONE LICENSED ADDICTION COUNSELOR AND AT
26 LEAST ONE CERTIFIED ADDICTION COUNSELOR.

27 (II) IF, AFTER A GOOD-FAITH ATTEMPT, THE GOVERNOR

1 DETERMINES THAT A LICENSED OR CERTIFIED ADDICTION COUNSELOR WHO
2 IS ENGAGED IN THE DIRECT PRACTICE OF ADDICTION COUNSELING IS NOT
3 AVAILABLE TO SERVE ON THE BOARD FOR A PARTICULAR TERM, THE
4 GOVERNOR MAY APPOINT A LICENSED OR CERTIFIED ADDICTION
5 COUNSELOR WHO IS NOT ENGAGED IN THE DIRECT PRACTICE OF ADDICTION
6 COUNSELING TO SERVE ON THE BOARD PURSUANT TO THIS PARAGRAPH (a).

7 (b) THREE BOARD MEMBERS MUST BE REPRESENTATIVES OF THE
8 GENERAL PUBLIC, ONE OF WHOM MAY BE AN ADDICTION COUNSELING
9 CONSUMER OR FAMILY MEMBER OF AN ADDICTION COUNSELING
10 CONSUMER. THESE INDIVIDUALS MUST HAVE NEVER BEEN ADDICTION
11 COUNSELORS, APPLICANTS, OR FORMER APPLICANTS FOR LICENSURE OR
12 CERTIFICATION AS AN ADDICTION COUNSELOR, MEMBERS OF ANOTHER
13 MENTAL HEALTH PROFESSION, MEMBERS OF HOUSEHOLDS THAT INCLUDE
14 ADDICTION COUNSELORS OR ANY OTHER MENTAL HEALTH PROFESSIONAL,
15 OR OTHERWISE HAVE CONFLICTS OF INTEREST OR THE APPEARANCE OF A
16 CONFLICT WITH THEIR DUTIES AS BOARD MEMBERS.

17 (3) (a) EACH BOARD MEMBER SHALL HOLD OFFICE UNTIL THE
18 EXPIRATION OF THE MEMBER'S APPOINTED TERM OR UNTIL A SUCCESSOR
19 IS DULY APPOINTED. EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS
20 SUBSECTION (3), THE TERM OF EACH MEMBER IS FOUR YEARS, AND A
21 BOARD MEMBER SHALL NOT SERVE MORE THAN TWO FULL CONSECUTIVE
22 TERMS. THE GOVERNOR SHALL FILL A VACANCY OCCURRING IN BOARD
23 MEMBERSHIP, OTHER THAN BY EXPIRATION OF A TERM, BY APPOINTMENT
24 FOR THE UNEXPIRED TERM OF THE MEMBER.

25 (b) THE INITIAL TERMS OF OFFICE OF THE MEMBERS APPOINTED TO
26 THE BOARD AS OF JANUARY 1, 2012, ARE MODIFIED AS FOLLOWS IN ORDER
27 TO ENSURE STAGGERED TERMS OF OFFICE:

1 (I) THE INITIAL TERM OF OFFICE OF ONE OF THE BOARD MEMBERS
2 REPRESENTING THE GENERAL PUBLIC, WHOSE INITIAL TERM WOULD
3 OTHERWISE EXPIRE ON DECEMBER 31, 2015, EXPIRES ON DECEMBER 31,
4 2013, AND THIS BOARD MEMBER IS ELIGIBLE TO SERVE ONE ADDITIONAL
5 FOUR-YEAR TERM COMMENCING ON JANUARY 1, 2014, AND EXPIRING ON
6 DECEMBER 31, 2017. ON AND AFTER THE EXPIRATION OF THE BOARD
7 MEMBER'S TERM, THE TERM OF A PERSON APPOINTED TO THIS MEMBER'S
8 POSITION ON THE BOARD IS AS DESCRIBED IN PARAGRAPH (a) OF THIS
9 SUBSECTION (3) COMMENCING ON JANUARY 1 OF THE APPLICABLE YEAR.

10 (II) THE INITIAL TERMS OF OFFICE OF TWO OF THE LICENSED OR
11 CERTIFIED ADDICTION COUNSELOR BOARD MEMBERS, WHOSE INITIAL
12 TERMS WOULD OTHERWISE EXPIRE ON DECEMBER 31, 2015, EXPIRE ON
13 DECEMBER 31, 2013. THESE BOARD MEMBERS ARE ELIGIBLE TO SERVE
14 ONE ADDITIONAL FOUR-YEAR TERM, COMMENCING ON JANUARY 1, 2014,
15 AND EXPIRING ON DECEMBER 31, 2017. ON AND AFTER THE EXPIRATION
16 OF THESE BOARD MEMBERS' TERMS, THE TERMS OF PERSONS APPOINTED TO
17 THE MEMBERS' POSITIONS ON THE BOARD ARE AS DESCRIBED IN
18 PARAGRAPH (a) OF THIS SUBSECTION (3) COMMENCING ON JANUARY 1 OF
19 THE APPLICABLE YEAR.

20 (4) THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR
21 MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY. == == ACTIONS
22 CONSTITUTING NEGLECT OF DUTY INCLUDE THE FAILURE OF BOARD
23 MEMBERS TO ATTEND THREE CONSECUTIVE MEETINGS, OR AT LEAST
24 THREE-FOURTHS OF THE TOTAL MEETINGS, IN ANY CALENDAR YEAR.

25 **SECTION 6.** 12-43-206.5, Colorado Revised Statutes, is
26 amended to read:

27 **12-43-206.5. Provisional license - fees.** (1) (a) The board or

1 ~~director~~ may issue a provisional license to an applicant who has
2 completed a post-graduate degree that meets the educational requirements
3 for licensure in section 12-43-304, 12-43-403, 12-43-504, 12-43-603, or
4 12-43-804, as applicable, and who is working in a residential child care
5 facility as defined in section 26-6-102 (8), C.R.S., under the supervision
6 of a licensee.

7 (b) A provisional license issued pursuant to paragraph (a) of this
8 subsection (1) ~~shall terminate~~ TERMINATES at the earliest of:

9 (I) Thirty days after termination of the provisional licensee's
10 employment with a qualifying residential child care facility, unless the
11 provisional licensee obtains and submits to the board ~~or director~~ proof of
12 employment with another residential child care facility; or

13 (II) Thirty days after termination of the provisional licensee's
14 supervision by a licensee unless the provisional licensee obtains and
15 submits to the board ~~or director~~ proof of supervision by another licensee.

16 (c) A provisional licensee shall notify the board ~~or director~~ of any
17 change in supervision within thirty days after the change.

18 (2) ~~The director and~~ Each board may charge an application fee to
19 an applicant for a provisional license. All fees collected pursuant to this
20 subsection (2) shall be transmitted to the state treasurer, who shall credit
21 the same to the division of registrations cash fund pursuant to section
22 24-34-105, C.R.S. An application for a provisional license ~~shall~~ MUST
23 identify the name, contact information, and license number of the licensee
24 providing supervision of the provisional licensure applicant.

25 (3) ~~This section is repealed, effective July 1, 2011.~~

26 **SECTION 7.** The introductory portion to 12-43-201 and
27 12-43-201 (1), (6), (7.5), (7.7), (7.8) (b), (9), (9.3), (9.5), (9.7), and (10),

1 Colorado Revised Statutes, are amended, and the said 12-43-201 is
2 further amended BY THE ADDITION OF THE FOLLOWING NEW
3 SUBSECTIONS, to read:

4 **12-43-201. Definitions.** As used in this ~~part 2~~ ARTICLE, unless the
5 context otherwise requires:

6 (1) "Board" includes the state board of psychologist examiners,
7 the state board of social work examiners, the state board of licensed
8 professional counselor examiners, the state board of marriage and family
9 therapist examiners, ~~and~~ the state grievance board, AND THE STATE BOARD
10 OF ADDICTION COUNSELOR EXAMINERS.

11 (1.3) "CERTIFICATE HOLDER" MEANS AN ADDICTION COUNSELOR
12 CERTIFIED PURSUANT TO THIS ARTICLE.

13 (6) "Licensee" means a psychologist, social worker, marriage and
14 family therapist, licensed professional counselor, or addiction counselor
15 licensed ~~certified, or registered~~ pursuant to this article.

16 (7.5) "Professional relationship" means an interaction that is
17 deliberately planned or directed, or both, by the psychotherapist LICENSEE,
18 REGISTRANT, OR CERTIFICATE HOLDER toward obtaining specific
19 psychotherapeutic objectives. such as those set forth in subsection (9) of
20 this section.

21 (7.7) (a) "Provisional license" means a license OR CERTIFICATION
22 issued pursuant to section 12-43-206.5.

23 (b) ~~This subsection (7.7) is repealed, effective July 1, 2011.~~

24 (7.8) (b) ~~This subsection (7.8) is repealed, effective July 1, 2011.~~

25 ==

26 (9) "Psychotherapy" means the treatment, diagnosis, testing,
27 assessment, or counseling in a professional relationship to assist

1 individuals or groups to alleviate mental disorders, understand
2 unconscious or conscious motivation, resolve emotional, relationship, or
3 attitudinal conflicts, or modify behaviors which interfere with effective
4 emotional, social, or intellectual functioning. Psychotherapy follows a
5 planned procedure of intervention which takes place on a regular basis,
6 over a period of time, or in the cases of testing, assessment, and brief
7 psychotherapy, it can be a single intervention. It is the intent of the
8 general assembly that the definition of psychotherapy as used in this part
9 2 be interpreted in its narrowest sense to regulate only those persons who
10 clearly fall within the definition set forth in this subsection (9).

11 (9.1) "REGISTERED PSYCHOTHERAPIST" MEANS A PERSON:

12 (a) WHOSE PRIMARY PRACTICE IS PSYCHOTHERAPY OR WHO HOLDS
13 HIMSELF OR HERSELF OUT TO THE PUBLIC AS BEING ABLE TO PRACTICE
14 PSYCHOTHERAPY FOR COMPENSATION; AND

15 (b) WHO IS REGISTERED WITH THE GRIEVANCE BOARD PURSUANT
16 TO SECTION 12-43-702.5 TO PRACTICE PSYCHOTHERAPY IN THIS STATE.

17 (9.3) "Registrant" means a psychologist candidate, MARRIAGE AND
18 FAMILY THERAPIST CANDIDATE, OR LICENSED PROFESSIONAL COUNSELOR
19 CANDIDATE registered pursuant to ~~this article~~ SECTION 12-43-304 (7),
20 12-43-504 (5), OR 12-43-603 (5), RESPECTIVELY, OR A REGISTERED
21 PSYCHOTHERAPIST.

22 (9.5) "Regulated" ~~means a person who is listed in the state~~
23 ~~grievance board data base.~~

24 (9.7) "School psychologist" ~~means a person who practices~~
25 ~~psychotherapy and who is a school psychologist licensed pursuant to the~~
26 ~~provisions of section 22-60.5-210, C.R.S.~~

27 (10) "Unlicensed psychotherapist" ~~means any person whose~~

1 ~~primary practice is psychotherapy or who holds himself or herself out to~~
2 ~~the public as being able to practice psychotherapy for compensation and~~
3 ~~who is not licensed under this title to practice psychotherapy.~~
4 ~~"Unlicensed psychotherapist" also means a person who is a licensed~~
5 ~~school psychologist licensed pursuant to section 22-60.5-210 (1) (b);~~
6 ~~C.R.S., and who is practicing outside of a school setting.~~

7 **SECTION 8.** The introductory portion to 12-43-504 (1) and
8 12-43-504 (1) (b), (1) (e), and (4), Colorado Revised Statutes, are
9 amended, and the said 12-43-504 is further amended BY THE
10 ADDITION OF A NEW SUBSECTION, to read:

11 **12-43-504. Qualifications - examination - licensure and**
12 **registration.** (1) The board shall issue a license as a marriage and family
13 therapist to each applicant who files an application ~~upon~~ IN a form and ~~in~~
14 ~~such~~ manner ~~as~~ APPROVED BY the board, ~~prescribes,~~ accompanied by a
15 SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO section
16 12-43-204, and ~~who~~ furnishes evidence satisfactory to the board that he
17 or she:

18 (b) Is not in violation of any ~~of the provisions~~ PROVISION of this
19 article or ~~the~~ ANY rule ~~and regulations~~ adopted under this article;

20 (e) Has demonstrated professional competence by passing an
21 examination in marriage and family therapy prescribed by the board and
22 a written, COMPUTER-BASED OR mail-in jurisprudence examination
23 administered by the department of regulatory agencies.

24 (4) The board or its designated representatives shall administer
25 and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the examination and
26 ~~shall~~ take any actions necessary to ensure impartiality. The BOARD SHALL
27 DETERMINE THE passing score for the examination ~~shall be determined by~~

1 ~~the board~~ based upon a level of minimum competency to engage in
2 marriage and family therapy practice.

3 (5) (a) THE BOARD SHALL REGISTER AS A MARRIAGE AND FAMILY
4 THERAPIST CANDIDATE A PERSON WHO:

5 (I) FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED BY
6 THE FEE AS REQUIRED BY SECTION 12-43-204;

7 (II) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR
8 SHE MEETS THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (c) OF
9 SUBSECTION (1) OF THIS SECTION; AND

10 (III) HAS NOT BEEN PREVIOUSLY REGISTERED AS A MARRIAGE AND
11 FAMILY THERAPIST CANDIDATE BY THE BOARD.

12 (b) A MARRIAGE AND FAMILY THERAPIST CANDIDATE WHO
13 REGISTERS WITH THE BOARD PURSUANT TO THIS SUBSECTION (5) IS UNDER
14 THE JURISDICTION OF THE BOARD AND IS NOT REQUIRED TO REGISTER WITH
15 THE DATABASE OF REGISTERED PSYCHOTHERAPISTS PURSUANT TO SECTION
16 12-43-702.5.

17 (c) IF A CANDIDATE DOES NOT MEET THE REQUIREMENTS OF
18 PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF THIS SECTION WITHIN
19 FOUR YEARS AFTER INITIAL REGISTRATION, THE CANDIDATE'S
20 REGISTRATION EXPIRES AND IS NOT RENEWABLE, UNLESS THE BOARD, IN
21 ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A PERSON
22 WHOSE MARRIAGE AND FAMILY THERAPIST CANDIDATE REGISTRATION
23 EXPIRES IS NOT PRECLUDED FROM APPLYING TO THIS BOARD OR TO ANY
24 OTHER BOARD FOR LICENSURE OR REGISTRATION IN A MENTAL HEALTH
25 PROFESSION FOR WHICH THE PERSON IS QUALIFIED.

26 **SECTION 9.** The introductory portion to 12-43-603 (1) and
27 12-43-603 (1) (b), (1) (e), and (4), Colorado Revised Statutes, are

1 amended, and the said 12-43-603 is further amended BY THE
2 ADDITION OF A NEW SUBSECTION, to read:

3 **12-43-603. Licensure - examination - licensed professional**
4 **counselors.** (1) The board shall issue a license as a licensed professional
5 counselor to each applicant who files an application ~~upon~~ IN a form and
6 ~~in such a manner as~~ APPROVED BY the board, ~~prescribes, accompanied by~~
7 a SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO section
8 12-43-204, and ~~who~~ furnishes evidence satisfactory to the board that he
9 or she:

10 (b) Is not in violation of any ~~of the provisions~~ PROVISION of this
11 article ~~and the rules and regulations~~ OR ANY RULE adopted under this
12 article;

13 (e) Has demonstrated professional competence by passing an
14 examination in professional counseling demonstrating special knowledge
15 and skill in applied psychotherapy as prescribed by the board and a
16 written, COMPUTER-BASED OR mail-in jurisprudence examination
17 administered by the department of regulatory agencies.

18 (4) The board or its designated representatives shall administer
19 and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the examination and
20 ~~shall~~ take any actions necessary to ensure impartiality. The BOARD SHALL
21 DETERMINE THE passing score for the examination ~~shall be determined by~~
22 ~~the board~~ based upon a level of minimum competency to engage in the
23 practice of licensed professional counseling.

24 (5) (a) THE BOARD SHALL REGISTER AS A LICENSED PROFESSIONAL
25 COUNSELOR CANDIDATE A PERSON WHO:

26 (I) FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED BY
27 THE FEE AS REQUIRED BY SECTION 12-43-204;

1 (II) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR
2 SHE MEETS THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (c) OF
3 SUBSECTION (1) OF THIS SECTION; AND

4 (III) HAS NOT BEEN PREVIOUSLY REGISTERED AS A LICENSED
5 PROFESSIONAL COUNSELOR CANDIDATE BY THE BOARD.

6 (b) A LICENSED PROFESSIONAL COUNSELOR CANDIDATE WHO
7 REGISTERS WITH THE STATE BOARD OF LICENSED PROFESSIONAL
8 COUNSELOR EXAMINERS PURSUANT TO THIS SUBSECTION (5) IS UNDER THE
9 JURISDICTION OF THE BOARD AND IS NOT REQUIRED TO REGISTER WITH THE
10 DATABASE OF REGISTERED PSYCHOTHERAPISTS PURSUANT TO SECTION
11 12-43-702.5.

12 (c) IF A CANDIDATE DOES NOT MEET THE REQUIREMENTS OF
13 PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF THIS SECTION WITHIN
14 FOUR YEARS AFTER INITIAL REGISTRATION, THE CANDIDATE'S
15 REGISTRATION EXPIRES AND IS NOT RENEWABLE, UNLESS THE BOARD, IN
16 ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A PERSON
17 WHOSE LICENSED PROFESSIONAL COUNSELOR CANDIDATE REGISTRATION
18 EXPIRES IS NOT PRECLUDED FROM APPLYING TO THIS BOARD OR TO ANY
19 OTHER BOARD FOR LICENSURE OR REGISTRATION IN A MENTAL HEALTH
20 PROFESSION FOR WHICH THE PERSON IS QUALIFIED.

21 **SECTION 10.** 12-43-701 (3) and (4), Colorado Revised
22 Statutes, are amended to read:

23 **12-43-701. Definitions.** As used in this part 7, unless the context
24 otherwise requires:

25
26 (3) (a) "Psychotherapy" means the treatment, diagnosis, testing,
27 assessment, or counseling in a professional relationship to assist

1 individuals or groups to alleviate mental disorders, understand
2 unconscious or conscious motivation, resolve emotional, relationship, or
3 attitudinal conflicts, or modify behaviors which THAT interfere with
4 effective emotional, social, or intellectual functioning. Psychotherapy
5 follows a planned procedure of intervention which THAT takes place on
6 a regular basis, over a period of time, OR IN THE CASES OF TESTING,
7 ASSESSMENT, AND BRIEF PSYCHOTHERAPY, IT CAN BE A SINGLE
8 INTERVENTION.

9 (b) It is the intent of the general assembly that the definition of
10 psychotherapy as used in this part 7 be interpreted in its narrowest sense
11 to regulate only those persons who clearly fall within the definition set
12 forth in this subsection (3).

13 ~~(4) "Unlicensed psychotherapist" means any person whose~~
14 ~~primary practice is psychotherapy or who holds himself or herself out to~~
15 ~~the public as being able to practice psychotherapy for compensation and~~
16 ~~who is not licensed under this title to practice psychotherapy.~~
17 ~~"Unlicensed psychotherapist" also means a person who is a school~~
18 ~~psychologist licensed pursuant to section 22-60.5-210(1)(b), C.R.S., and~~
19 ~~who is practicing outside of a school setting.~~

20 **SECTION 11.** 12-43-702.5, Colorado Revised Statutes, is
21 amended to read:

22 **12-43-702.5. Database of registered psychotherapists -**
23 **unauthorized practice - penalties - data collection.** (1) The grievance
24 board shall maintain a ~~data base~~ DATABASE of all ~~unlicensed persons~~
25 ~~practicing psychotherapy in this state~~ REGISTERED PSYCHOTHERAPISTS.
26 The grievance board shall charge a fee in the same manner as authorized
27 in section 24-34-105, C.R.S., for recording information in the ~~data base~~

1 DATABASE as required by this section. Information in the ~~data base~~
2 DATABASE maintained pursuant to this section ~~shall be~~ IS open to public
3 inspection at all times.

4 (2) Any ~~unlicensed psychotherapist~~ PERSON NOT OTHERWISE
5 LICENSED, REGISTERED, OR CERTIFIED PURSUANT TO THIS ARTICLE WHO IS
6 PRACTICING PSYCHOTHERAPY IN THIS STATE shall ~~record such therapist's~~
7 REGISTER WITH THE GRIEVANCE BOARD BY SUBMITTING HIS OR HER name,
8 current address, educational qualifications, disclosure statements,
9 therapeutic orientation or methodology, or both, and years of experience
10 in each specialty area. ~~with~~ UPON RECEIPT AND REVIEW OF THE REQUIRED
11 INFORMATION, the grievance board ~~for inclusion~~ MAY APPROVE THE
12 PSYCHOTHERAPIST FOR REGISTRATION in the ~~data base~~ DATABASE required
13 by subsection (1) of this section. ~~Unlicensed psychotherapists~~ A
14 REGISTERED PSYCHOTHERAPIST shall ~~be required to~~ update ~~such~~ THIS
15 information ~~at least annually~~ UPON RENEWAL OF HIS OR HER REGISTRATION
16 and at ~~such~~ other times and under ~~such~~ conditions ~~as~~ SPECIFIED BY the
17 grievance board ~~shall prescribe by rule. and regulation.~~ At the time of
18 recording the information required by this section, the ~~unlicensed~~
19 REGISTERED psychotherapist shall indicate whether ~~or not the unlicensed~~
20 ~~psychotherapist~~ HE OR SHE has been convicted of, or entered a plea of
21 guilty or a ~~plea~~ of nolo contendere to, any felony or misdemeanor.
22 ~~Unlicensed psychotherapists recording the information required by this~~
23 ~~section shall be given a copy of the statutes and a copy of the state~~
24 ~~grievance board rules.~~

25 (3) ~~No~~ AN unlicensed person may WHOSE PRIMARY PRACTICE IS
26 PSYCHOTHERAPY OR WHO HOLDS HIMSELF OR HERSELF OUT TO THE PUBLIC
27 AS ABLE TO PRACTICE PSYCHOTHERAPY FOR COMPENSATION SHALL NOT

1 practice psychotherapy ~~if such~~ UNLESS THE person is ~~not~~ REGISTERED
2 WITH THE GRIEVANCE BOARD AND included in the ~~data-base~~ DATABASE
3 required by this section. Notwithstanding the requirements of this
4 section, ~~no unlicensed~~ A REGISTERED psychotherapist ~~may~~ SHALL NOT use
5 the term "~~registered~~", "~~regulated~~" "LICENSED", "certified", "clinical",
6 "~~state-registered~~", "state-approved", or any other term or abbreviation that
7 would falsely give the impression that the psychotherapist or the service
8 that is being provided is recommended by the state, based solely on
9 inclusion in the ~~data-base~~ DATABASE.

10 (4) ~~No person may be listed by~~ The grievance board SHALL NOT
11 REGISTER A PERSON pursuant to this section unless ~~such~~ THE person has
12 successfully completed a written, COMPUTER-BASED OR mail-in
13 jurisprudence examination developed and approved by the department of
14 regulatory agencies.

15 (5) Any unlicensed person who practices psychotherapy without
16 first complying with the ~~recording~~ REGISTRATION requirements of this
17 section commits a class 2 misdemeanor and shall be punished as provided
18 in section 18-1.3-501, C.R.S., for the first offense, and for the second or
19 any subsequent offense, the person commits a class 6 felony and shall be
20 punished as provided in section 18-1.3-401, C.R.S.

21 **SECTION 12.** The introductory portion to 12-43-304 (1) and
22 12-43-304 (1) (b), (1) (e), (1.5) (c), and (7), Colorado Revised Statutes,
23 are amended to read:

24 **12-43-304. Qualifications - examinations - licensure.** (1) The
25 board shall issue a license as a psychologist ~~and issue an appropriate~~
26 ~~license certificate~~, to each applicant who files an application ~~upon~~ IN a
27 form and ~~in such~~ manner as APPROVED BY the board, ~~prescribes~~,

1 ~~accompanied by such~~ SUBMITS THE fee ~~as is~~ required by the board
2 PURSUANT TO SECTION 12-43-204, and ~~who~~ furnishes evidence
3 satisfactory to the board that he or she:

4 (b) Is not in violation of any ~~of the provisions of this part 3 and~~
5 ~~the~~ PROVISION OF THIS ARTICLE OR ANY rules promulgated by the board;

6 (e) Has demonstrated professional competence by passing a
7 single, written examination in psychology as prescribed by the board and
8 a written, COMPUTER-BASED OR mail-in jurisprudence examination
9 administered by the department of regulatory agencies.

10 (1.5) (c) The board or its designated representatives shall
11 administer and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the
12 examination and ~~shall~~ take any actions necessary to ensure impartiality.
13 The BOARD SHALL DETERMINE THE passing score for the examination ~~shall~~
14 ~~be determined by the board~~ based upon a level of minimum competency
15 to engage in the practice of psychology.

16 (7) (a) The board shall register as a psychologist candidate a
17 person who files an application ~~therefor~~ FOR REGISTRATION, accompanied
18 by ~~such~~ THE fee ~~as is~~ required by section 12-43-204, AND who:

19 (I) Submits evidence satisfactory to the board that he or she has
20 met the requirements of paragraphs (a), (b), and (c) of subsection (1) of
21 this section; and ~~who~~

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

24 (b) ~~Such candidate~~ A PSYCHOLOGIST CANDIDATE REGISTERED
25 PURSUANT TO THIS SUBSECTION (7) is not required to register with the
26 database of ~~unlicensed~~ REGISTERED psychotherapists PURSUANT TO
27 SECTION 12-43-702.5, and ~~shall be~~ IS under the jurisdiction of the state

1 board of psychologist examiners. ~~A person shall complete the~~
2 ~~requirements of paragraphs (d) and (e) of subsection (1) of this section~~
3 ~~within four years after initial registration with the psychology board. If~~
4 ~~such~~ THE requirements OF PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF
5 THIS SECTION are not met within four years, the registration of the
6 psychologist candidate ~~shall expire~~ EXPIRES. A person whose
7 psychologist candidate registration ~~has expired shall not be~~ EXPIRES IS
8 NOT precluded from applying for licensure or registration with any other
9 mental health board for which the person is qualified.

10 **SECTION 13.** The introductory portion to 12-43-404 (1),
11 12-43-404 (1) (c), the introductory portion to 12-43-404 (2), and
12 12-43-404 (2) (d) and (2.5), Colorado Revised Statutes, are amended to
13 read:

14 **12-43-404. Qualifications - examination - licensure and**
15 **registration.** (1) The board shall license as a licensed social worker ~~and~~
16 ~~issue an appropriate certificate to,~~ any person who files an application
17 ~~therefor, accompanied by such~~ IN A FORM AND MANNER APPROVED BY THE
18 BOARD, SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO
19 section 12-43-204, and ~~who~~ submits evidence satisfactory to the board
20 that he or she:

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

25 (2) The board shall license as a licensed clinical social worker ~~and~~
26 ~~issue an appropriate certificate to,~~ any person who files an application,
27 ~~therefor, accompanied by such~~ IN A FORM AND MANNER APPROVED BY THE

1 BOARD, SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO
2 section 12-43-204, and ~~who~~ submits evidence satisfactory to the board
3 that he or she:

4 (d) Demonstrates professional competence by satisfactorily
5 passing an examination in social work as prescribed by the board and a
6 written, COMPUTER-BASED OR mail-in jurisprudence examination
7 administered by the department of regulatory agencies.

8 (2.5) (a) The BOARD OR ITS DESIGNATED REPRESENTATIVE SHALL
9 GIVE THE examination ~~by the board~~ described in paragraph (c) of
10 subsection (1) of this section and in paragraph (d) of subsection (2) of this
11 section ~~shall be given not less than~~ AT LEAST twice per year at ~~such~~ A time
12 and place and under ~~such~~ THE supervision ~~as~~ DETERMINED BY the board.
13 ~~may determine.~~

14 (b) The board or its designated representatives shall administer
15 and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the examination and
16 ~~shall~~ take any actions necessary to ensure impartiality. The BOARD SHALL
17 DETERMINE THE passing score for the examination ~~shall be determined by~~
18 ~~the board~~ based upon a level of minimum competency to engage in social
19 work practice.

20 **SECTION 14.** The introductory portion to 12-43-222 (1) and
21 12-43-222 (1) (a), (1) (e), (1) (f), (1) (g), (1) (q), (1) (t) (I), (1) (t) (III),
22 (1) (v), (1) (w), and (2), Colorado Revised Statutes, are amended, and the
23 said 12-43-222 (1) is further amended BY THE ADDITION OF A NEW
24 PARAGRAPH, to read:

25 **12-43-222. Prohibited activities - related provisions.** (1) A
26 person licensed, registered, OR certified ~~or regulated~~ under ~~part 3, 4, 5, 6,~~
27 ~~7, or 8~~ of this article is ~~in violation of~~ VIOLATES this article if ~~such~~ THE

1 person:

2 (a) Has been convicted of OR PLED GUILTY OR NOLO CONTENDERE
3 TO a felony ~~or has had accepted by a court a plea of guilty or nolo~~
4 ~~contendere to a felony if the felony is related to the ability to practice~~
5 ~~under this article~~ OR RECEIVED A DEFERRED SENTENCE TO A FELONY
6 CHARGE. A certified copy of the judgment of a court of competent
7 jurisdiction of such conviction or plea ~~shall be~~ IS conclusive evidence of
8 ~~such~~ THE conviction or plea. In considering the disciplinary action, each
9 board ~~shall be~~ IS governed by the provisions of section 24-5-101, C.R.S.

10 (e) ~~Is~~ Habitually ~~intemperate~~ or excessively uses ~~any~~ OR ABUSES
11 ALCOHOL, A habit-forming drug, or ~~is a habitual user of any~~ A controlled
12 substance, as defined in section 12-22-303; ~~(7), or any alcoholic~~
13 ~~beverage, any of which renders him or her unfit to practice pursuant to~~
14 ~~part 3, 4, 5, 6, 7, or 8 of this article;~~

15 (f) (I) ~~Has~~ FAILS TO NOTIFY THE BOARD THAT REGULATES HIS OR
16 HER PROFESSION OF a physical or mental ~~disability~~ ILLNESS OR CONDITION
17 that ~~renders such person unable~~ AFFECTS THE PERSON'S ABILITY to treat
18 clients with reasonable skill and safety or that may endanger the health or
19 safety of persons under ~~such person's~~ HIS OR HER care;

20 (II) FAILS TO ACT WITHIN THE LIMITATIONS CREATED BY A
21 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE PERSON
22 UNABLE TO TREAT CLIENTS WITH REASONABLE SKILL AND SAFETY OR THAT
23 MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER
24 CARE; OR

25 (III) FAILS TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER
26 A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION
27 12-43-221.5;

1 (g) (I) Has acted or failed to act in a manner that does not meet the
2 generally accepted standards of the professional discipline under which
3 ~~such~~ THE person practices. GENERALLY ACCEPTED STANDARDS MAY
4 INCLUDE, AT THE BOARD'S DISCRETION, THE STANDARDS OF PRACTICE
5 GENERALLY RECOGNIZED BY STATE AND NATIONAL ASSOCIATIONS OF
6 PRACTITIONERS IN THE FIELD OF THE PERSON'S PROFESSIONAL DISCIPLINE.

7 (II) A certified copy of a malpractice judgment of a court of
8 competent jurisdiction ~~shall be~~ IS conclusive evidence of ~~such~~ THE act or
9 omission THAT DOES NOT MEET GENERALLY ACCEPTED STANDARDS OF THE
10 PROFESSIONAL DISCIPLINE, but evidence of ~~such~~ THE act or omission ~~shall~~
11 IS not ~~be~~ limited to a malpractice judgment.

12 ==
13 (q) Has offered or given commissions, rebates, or other forms of
14 remuneration for the referral of clients; ~~Notwithstanding this provision,~~
15 EXCEPT THAT a licensee, registrant, or ~~unlicensed psychotherapist~~
16 CERTIFICATE HOLDER may pay an independent advertising or marketing
17 agent compensation for advertising or marketing services rendered on
18 ~~such~~ THE person's behalf by such agent, including compensation that is
19 paid for the results of performance of such services on a per-patient basis;

20 (t) Has engaged in any of the following activities and practices:

21 (I) ~~Willful and Repeated ordering or performance without clinical~~
22 ~~justification, of~~ PERFORMING demonstrably unnecessary laboratory tests
23 or studies WITHOUT CLINICAL JUSTIFICATION FOR THE TESTS OR STUDIES;

24 (III) Ordering or performing ~~without clinical justification,~~ any
25 service ~~X-ray,~~ or treatment that is contrary to the generally accepted
26 standards of ~~such~~ THE person's practice AND IS WITHOUT CLINICAL
27 JUSTIFICATION; ~~or~~

1 (v) Has committed a fraudulent insurance act, as set forth in
2 section 10-1-128, C.R.S.; or

3 (w) Has sold or fraudulently obtained or furnished a license,
4 REGISTRATION, OR certification ~~or registration~~ to practice as a
5 PSYCHOLOGIST, social worker, marriage and family therapist, LICENSED
6 professional counselor, ~~psychologist~~, PSYCHOTHERAPIST, or addiction
7 counselor or has aided or abetted ~~therein~~ IN SUCH ACTIVITIES; OR

8 (x) HAS FAILED TO RESPOND, IN THE MANNER REQUIRED BY THE
9 BOARD, TO A COMPLAINT FILED WITH OR BY THE BOARD AGAINST THE
10 PERSON.

11 (2) A disciplinary action relating to a license, registration, OR
12 certification ~~or listing~~ to practice a profession licensed, registered, OR
13 certified ~~or listed~~ under ~~part 3, 4, 5, 6, 7, or 8~~ of this article or any related
14 occupation in any other state, territory, or country for disciplinary reasons
15 ~~shall be deemed to be~~ CONSTITUTES prima facie evidence of grounds for
16 disciplinary action, including denial of licensure, REGISTRATION, OR
17 CERTIFICATION, by a board. ~~or the director.~~ This subsection (2) ~~shall~~
18 ~~apply~~ APPLIES only to disciplinary actions based upon acts or omissions
19 in such other state, territory, or country substantially similar to those ACTS
20 OR OMISSIONS set out as grounds for disciplinary action pursuant to
21 subsection (1) of this section.

22 **SECTION 15.** 12-43-223 (1) and (3), Colorado Revised Statutes,
23 are amended to read:

24 **12-43-223. Authority of licensing boards and the grievance**
25 **board - cease-and-desist orders - rules.** (1) (a) If a licensee, registrant,
26 or ~~unlicensed psychotherapist has violated~~ CERTIFICATE HOLDER
27 VIOLATES any ~~of the provisions~~ PROVISION of section 12-43-222, the

1 board that licenses, registers, or ~~regulates such~~ CERTIFIES THE licensee,
2 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER may:

3 (I) Deny, revoke, or suspend ~~any~~ THE PERSON'S license, ~~or~~
4 registration, or CERTIFICATION;

5 (II) DENY, REVOKE, OR SUSPEND the listing of ~~any unlicensed~~ A
6 REGISTERED psychotherapist in the grievance board ~~data base~~ DATABASE;

7 (III) Issue a letter of admonition to a licensee, registrant, or
8 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER;

9 (IV) Issue a confidential letter of concern to a licensee, registrant,
10 or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER;

11 (V) Place a licensee, registrant, or ~~unlicensed psychotherapist~~
12 CERTIFICATE HOLDER on probation; or

13 (VI) Apply for an injunction pursuant to section 12-43-227 to
14 enjoin a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE
15 HOLDER from practicing the profession for which ~~such~~ THE person is
16 licensed, registered, or ~~regulated~~ CERTIFIED under this article.

17 (b) WHEN A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER
18 VIOLATES AN ADMINISTRATIVE REQUIREMENT OF THIS ARTICLE, THE
19 BOARD REGULATING THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER
20 MAY IMPOSE AN ADMINISTRATIVE FINE ON THE LICENSEE, REGISTRANT, OR
21 CERTIFICATE HOLDER, NOT TO EXCEED FIVE THOUSAND DOLLARS PER
22 VIOLATION. EACH BOARD SHALL ADOPT RULES ESTABLISHING A SCHEDULE
23 OF FINES SETTING FORTH DIFFERENT LEVELS OF FINES BASED ON WHETHER
24 THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER HAS COMMITTED A
25 SINGLE VIOLATION OR SUBSEQUENT VIOLATIONS OF ADMINISTRATIVE
26 REQUIREMENTS.

27 (3) ~~If an unlicensed psychotherapist violates any of the provisions~~

1 of section 12-43-222, the grievance board may refuse to include, or
2 permanently or for a set period of time strike the name of such
3 psychotherapist from, the data base maintained pursuant to section
4 12-43-702.5, issue a letter of admonition to such unlicensed
5 psychotherapist, place such unlicensed psychotherapist on probation, or
6 apply for an injunction pursuant to section 12-43-227 to enjoin such
7 unlicensed psychotherapist from practicing psychotherapy.

8 **SECTION 16.** Part 2 of article 43 of title 12, Colorado Revised
9 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
10 SECTIONS to read:

11 **12-43-221.5. Confidential agreement to limit practice -**
12 **violation grounds for discipline.** (1) IF A LICENSEE, REGISTRANT, OR
13 CERTIFICATE HOLDER HAS A PHYSICAL OR MENTAL ILLNESS OR CONDITION
14 THAT RENDERS THE PERSON UNABLE TO PRACTICE HIS OR HER MENTAL
15 HEALTH PROFESSION WITH REASONABLE SKILL AND WITH SAFETY TO
16 CLIENTS, THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SHALL
17 NOTIFY THE BOARD THAT REGULATES HIS OR HER PROFESSION OF THE
18 ILLNESS OR CONDITION IN A MANNER AND WITHIN A PERIOD DETERMINED
19 BY HIS OR HER OVERSIGHT BOARD. THE APPLICABLE BOARD MAY REQUIRE
20 THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER TO SUBMIT TO AN
21 EXAMINATION OR REFER THE LICENSEE, REGISTRANT, OR CERTIFICATE
22 HOLDER TO A PEER HEALTH ASSISTANCE PROGRAM, IF SUCH PROGRAM
23 EXISTS, TO EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS
24 IMPACT ON THE LICENSEE'S, REGISTRANT'S, OR CERTIFICATE HOLDER'S
25 ABILITY TO PRACTICE WITH REASONABLE SKILL AND WITH SAFETY TO
26 CLIENTS.

27 (2) (a) UPON DETERMINING THAT A LICENSEE, REGISTRANT, OR

1 CERTIFICATE HOLDER WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION
2 IS ABLE TO RENDER LIMITED SERVICES WITH REASONABLE SKILL AND WITH
3 SAFETY TO CLIENTS, THE APPLICABLE BOARD MAY ENTER INTO A
4 CONFIDENTIAL AGREEMENT WITH THE LICENSEE, REGISTRANT, OR
5 CERTIFICATE HOLDER IN WHICH THE LICENSEE, REGISTRANT, OR
6 CERTIFICATE HOLDER AGREES TO LIMIT HIS OR HER PRACTICE BASED ON
7 THE RESTRICTIONS IMPOSED BY THE ILLNESS OR CONDITION, AS
8 DETERMINED BY THE APPLICABLE OVERSIGHT BOARD.

9 (b) AS PART OF THE AGREEMENT, THE LICENSEE, REGISTRANT, OR
10 CERTIFICATE HOLDER IS SUBJECT TO PERIODIC REEVALUATIONS OR
11 MONITORING AS DETERMINED APPROPRIATE BY THE APPLICABLE BOARD.
12 THE BOARD MAY REFER THE LICENSEE, REGISTRANT, OR CERTIFICATE
13 HOLDER TO A PEER ASSISTANCE HEALTH PROGRAM, IF ONE EXISTS, FOR
14 REEVALUATION OR MONITORING.

15 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS
16 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF
17 MONITORING.

18 (3) BY ENTERING INTO AN AGREEMENT WITH THE APPLICABLE
19 BOARD PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE
20 LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS NOT ENGAGING IN
21 ACTIVITIES PROHIBITED PURSUANT TO SECTION 12-43-222. THE
22 AGREEMENT DOES NOT CONSTITUTE A RESTRICTION OR DISCIPLINE
23 BY THE APPLICABLE BOARD. HOWEVER, IF THE LICENSEE, REGISTRANT, OR
24 CERTIFICATE HOLDER FAILS TO COMPLY WITH THE TERMS OF AN
25 AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE FAILURE
26 CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION 12-43-222
27 (1) (f), AND THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS

1 SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-43-223.

2 (4) THIS SECTION DOES NOT APPLY TO A LICENSEE, REGISTRANT, OR
3 CERTIFICATE HOLDER SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES
4 AS DESCRIBED IN SECTION 12-43-222 (1) (e).

5 **12-43-227.5. Mental health professional peer health assistance**
6 **program - fees - administration - rules. (1) (a) ON AND AFTER JULY 1,**
7 **2012, AS A CONDITION OF LICENSURE, REGISTRATION, OR CERTIFICATION**
8 **AND RENEWAL IN THIS STATE, EVERY PERSON APPLYING FOR A NEW**
9 **LICENSE, REGISTRATION, OR CERTIFICATION OR TO RENEW HIS OR HER**
10 **LICENSE, REGISTRATION, OR CERTIFICATION SHALL PAY TO THE**
11 **APPROPRIATE BOARD, FOR USE BY THE ADMINISTERING ENTITY SELECTED**
12 **BY THE BOARD PURSUANT TO THIS SUBSECTION (1), AN AMOUNT NOT TO**
13 **EXCEED TWENTY-FIVE DOLLARS PER APPLICATION FOR A NEW OR TO**
14 **RENEW A LICENSE, REGISTRATION, OR CERTIFICATION, WHICH MAXIMUM**
15 **AMOUNT MAY BE ADJUSTED ON JANUARY 1, 2012, AND ANNUALLY**
16 **THEREAFTER BY THE APPROPRIATE BOARD TO REFLECT CHANGES IN THE**
17 **UNITED STATES BUREAU OF STATISTICS CONSUMER PRICE INDEX FOR THE**
18 **DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR**
19 **ALL URBAN CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX. THE**
20 **APPROPRIATE BOARD SHALL FORWARD THE FEE TO THE CHOSEN**
21 **ADMINISTERING ENTITY FOR USE IN SUPPORTING DESIGNATED PROVIDERS**
22 **SELECTED BY THE BOARD TO PROVIDE ASSISTANCE TO LICENSEES,**
23 **REGISTRANTS, OR CERTIFICATE HOLDERS NEEDING HELP IN DEALING WITH**
24 **PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS THAT MAY BE**
25 **DETRIMENTAL TO THEIR ABILITY TO PRACTICE THEIR MENTAL HEALTH**
26 **PROFESSION.**

27 (b) THE APPLICABLE BOARD SHALL SELECT ONE OR MORE PEER

1 HEALTH ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. FOR
2 PURPOSES OF SELECTING DESIGNATED PROVIDERS, THE BOARDS SHALL USE
3 A COMPETITIVE BIDDING PROCESS THAT ENCOURAGES PARTICIPATION
4 FROM INTERESTED VENDORS. TO BE ELIGIBLE FOR DESIGNATION BY THE
5 BOARD, A PEER HEALTH ASSISTANCE PROGRAM MUST:

6 (I) PROVIDE FOR THE EDUCATION OF MENTAL HEALTH
7 PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF
8 PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND PROVIDE
9 FOR INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES
10 ESTABLISHED BY THE BOARD BY RULE;

11 (II) OFFER ASSISTANCE TO A MENTAL HEALTH PROFESSIONAL IN
12 IDENTIFYING PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS;

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

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

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

21 (VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND

22 (VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED,
23 REGISTERED, OR CERTIFIED MENTAL HEALTH PROFESSIONALS.

24 (c) THE BOARD MAY SELECT AN ENTITY TO ADMINISTER THE
25 MENTAL HEALTH PROFESSIONAL PEER ASSISTANCE PROGRAM. AN
26 ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE FOUNDATION
27 THAT IS QUALIFIED UNDER SECTION 501 (c) (3) OF THE FEDERAL

1 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT IS
2 DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT,
3 EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO MENTAL
4 HEALTH PROFESSIONS, MENTAL HEALTH PROFESSIONAL EDUCATION,
5 MENTAL HEALTH RESEARCH AND SCIENCE, AND OTHER MENTAL HEALTH
6 CHARITABLE PURPOSES.

7 (d) THE ADMINISTERING ENTITY SHALL:

8 (I) DISTRIBUTE THE MONEYS COLLECTED BY THE APPLICABLE
9 BOARD, LESS EXPENSES, TO THE DESIGNATED PROVIDER, AS DIRECTED BY
10 THE BOARD;

11 (II) PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL
12 AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED;

13 AND

14 (III) POST A SURETY PERFORMANCE BOND IN AN AMOUNT
15 SPECIFIED BY THE BOARD TO SECURE PERFORMANCE UNDER THE
16 REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY
17 RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING
18 ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN
19 PERCENT OF THE TOTAL AMOUNT COLLECTED.

20 (e) THE APPLICABLE BOARD SHALL COLLECT THE REQUIRED
21 ANNUAL PAYMENTS PAYABLE TO THE ADMINISTERING ENTITY FOR THE
22 BENEFIT OF THE ADMINISTERING ENTITY AND SHALL TRANSFER ALL SUCH
23 PAYMENTS TO THE ADMINISTERING ENTITY. ALL REQUIRED ANNUAL
24 PAYMENTS COLLECTED OR DUE TO THE BOARD FOR EACH FISCAL YEAR ARE
25 CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE
26 GENERAL ASSEMBLY, AND THE DISTRIBUTION OF PAYMENTS TO THE
27 ADMINISTERING ENTITY OR EXPENDITURE OF THE PAYMENTS BY THE

1 ADMINISTERING ENTITY DOES NOT CONSTITUTE STATE FISCAL YEAR
2 SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
3 CONSTITUTION.

4 (2) (a) ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED BY
5 THE APPLICABLE BOARD TO A PEER HEALTH ASSISTANCE PROGRAM SHALL
6 ENTER INTO A STIPULATION WITH THE BOARD PURSUANT TO SECTION
7 12-43-223 (6) BEFORE PARTICIPATING IN THE PROGRAM. THE AGREEMENT
8 MUST CONTAIN SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE
9 PARTICIPANT, INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM
10 WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A PROVISION
11 THAT A FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS ARE TO
12 BE PROMPTLY REPORTED TO THE BOARD AND THAT SUCH FAILURE WILL
13 RESULT IN DISCIPLINARY ACTION BY THE BOARD.

14 (b) NOTWITHSTANDING SECTIONS 12-43-223, 12-43-224, AND
15 24-4-104, C.R.S., THE APPLICABLE BOARD MAY IMMEDIATELY SUSPEND
16 THE LICENSE OF ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED TO
17 A PEER HEALTH ASSISTANCE PROGRAM BY THE BOARD AND WHO FAILS TO
18 ATTEND OR TO COMPLETE THE PROGRAM. IF THE MENTAL HEALTH
19 PROFESSIONAL OBJECTS TO THE SUSPENSION, HE OR SHE MAY SUBMIT A
20 WRITTEN REQUEST TO THE BOARD FOR A FORMAL HEARING ON THE
21 SUSPENSION WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE
22 SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST. IN THE
23 HEARING, THE MENTAL HEALTH PROFESSIONAL BEARS THE BURDEN OF
24 PROVING THAT HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATION
25 SHOULD NOT BE SUSPENDED.

26 (c) ANY MENTAL HEALTH PROFESSIONAL WHO SELF-REFERS AND
27 IS ACCEPTED INTO A PEER HEALTH ASSISTANCE PROGRAM SHALL AFFIRM

1 THAT, TO THE BEST OF HIS OR HER KNOWLEDGE, INFORMATION, AND
2 BELIEF, HE OR SHE KNOWS OF NO INSTANCE IN WHICH HE OR SHE HAS
3 VIOLATED THIS ARTICLE OR THE RULES OF THE BOARD, EXCEPT IN THOSE
4 INSTANCES AFFECTED BY THE MENTAL HEALTH PROFESSIONAL'S PHYSICAL,
5 EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS.

6 (3) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE
7 APPLICABLE BOARD OR THE STATE OF COLORADO FOR THE ACTIONS OF THE
8 BOARD IN MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO CIVIL
9 ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE BOARD OR THE
10 STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF THE
11 ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE PROGRAM OR THE
12 RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH PROFESSIONAL
13 PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE
14 PROGRAM. HOWEVER, THE STATE REMAINS LIABLE UNDER THE
15 "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24,
16 C.R.S., IF AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF AN ACT OR
17 OMISSION OF A MENTAL HEALTH PROFESSIONAL PARTICIPATING IN OR
18 REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM OCCURRED
19 WHILE SUCH MENTAL HEALTH PROFESSIONAL WAS PERFORMING DUTIES AS
20 AN EMPLOYEE OF THE STATE.

21 (4) THE BOARDS MAY PROMULGATE RULES NECESSARY TO
22 IMPLEMENT THIS SECTION.

23 (5) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL"
24 MEANS A PSYCHOLOGIST, SOCIAL WORKER, CLINICAL SOCIAL WORKER,
25 MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR,
26 OR PSYCHOTHERAPIST REGULATED UNDER THIS ARTICLE.

27 **SECTION 17.** 12-43-101, Colorado Revised Statutes, is amended

1 to read:

2 **12-43-101. Legislative declaration.** The general assembly
3 hereby finds and determines that, in order to safeguard the public health,
4 safety, and welfare of the people of this state and in order to protect the
5 people of this state against the unauthorized, unqualified, and improper
6 application of ~~psychotherapy~~, psychology, social work, marriage and
7 family therapy, professional counseling, PSYCHOTHERAPY, and addiction
8 counseling, it is necessary that the proper regulatory authorities be
9 established and adequately provided for. The general assembly therefore
10 declares that there shall be established a state board of psychologist
11 examiners, a state board of social work examiners, a state board of
12 marriage and family therapist examiners, ~~and~~ a state board of licensed
13 professional counselor examiners AND A STATE BOARD OF ADDICTION
14 COUNSELOR EXAMINERS with the authority to license, REGISTER, OR
15 CERTIFY, and take disciplinary actions or bring injunctive actions, or both,
16 concerning licensed psychologists AND psychologist candidates, licensed
17 social workers, licensed marriage and family therapists AND MARRIAGE
18 AND FAMILY THERAPIST CANDIDATES, and licensed professional
19 counselors AND LICENSED PROFESSIONAL COUNSELOR CANDIDATES,
20 respectively. There shall also be a state grievance board with the
21 authority to take disciplinary actions or bring injunctive actions, or both,
22 concerning ~~unlicensed~~ REGISTERED psychotherapists. ~~Additionally, the~~
23 ~~director of the division of registrations in the department of regulatory~~
24 ~~agencies is authorized to certify and license addiction counselors and take~~
25 ~~disciplinary actions or bring injunctive actions, or both, concerning~~
26 ~~addiction counselors.~~

27 **SECTION 18.** 12-43-202, Colorado Revised Statutes, is amended

1 to read:

2 **12-43-202. Practice outside of or beyond professional training,**
3 **experience, or competence.** Notwithstanding any other provision of this
4 article, no licensee, registrant, OR certificate holder ~~or unlicensed~~
5 ~~psychotherapist~~ is authorized to practice outside of or beyond his or her
6 area of training, experience, or competence.

7 **SECTION 19.** 12-43-203 (2) (a), (3.5), (4), (7), and (11) (a),
8 Colorado Revised Statutes, are amended to read:

9 **12-43-203. Boards - meetings - duties - powers - removal of**
10 **members - immunity.** (2) (a) (I) Each board shall annually hold a
11 meeting and elect from its membership a chairperson and
12 vice-chairperson. Each board shall meet at such times as it deems
13 necessary or advisable or as deemed necessary and advisable by the
14 chairperson OR a majority of its members. ~~or the governor.~~ Each board
15 may conduct meetings by electronic means. EACH BOARD SHALL GIVE
16 reasonable notice of ~~all~~ ITS meetings ~~shall be given~~ in the manner
17 prescribed by ~~each~~ THE board. A majority of each board ~~shall constitute~~
18 CONSTITUTES a quorum at any meeting or hearing.

19 (II) All meetings ~~shall be~~ ARE open to the public, except when:

20 (A) A board, or an administrative law judge acting on behalf of
21 a board, specifically determines that the harm to a complainant or other
22 recipient of services to keep such proceedings or RELATED documents
23 ~~relating thereto~~ open to the public outweighs the public interest in
24 observing the proceedings; or ~~when~~

25 (B) The licensee, registrant, or ~~unlicensed psychotherapist~~
26 CERTIFICATE HOLDER is participating in good faith in a program approved
27 by the board designed to end ~~such~~ AN addiction or dependency and the

1 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER
2 has not violated ~~any provisions of~~ the board's order regarding ~~such~~ THE
3 person's participation in ~~such~~ THE treatment program.

4 (III) If the board determines that it is in the best interest of a
5 complainant or other recipient of services to keep ~~such~~ proceedings or
6 RELATED documents ~~relating thereto~~ closed to the public, the final action
7 of the board ~~shall~~ MUST be open to the public without disclosing the name
8 of the client or other recipient. In all open meetings, the board shall take
9 reasonable steps ~~not to disclose~~ KEEP the names of the recipients of
10 services CONFIDENTIAL.

11 (3.5) In carrying out its duties related to the approval of
12 applications for licensure, REGISTRATION, OR CERTIFICATION pursuant to
13 this section, section 12-43-212, and ~~parts 3, 4, 5, 6, and 7~~ of this article,
14 each board shall delegate the function of the preliminary review and
15 approval of applications to the staff of ~~each such~~ THE board, with
16 approval of ~~such applications~~ AN APPLICATION ratified by action of ~~each~~
17 ~~such~~ THE board. Each board, in its sole discretion, may individually
18 review any application requiring board consideration prior to the approval
19 ~~thereof~~ OF THE APPLICATION pursuant to section 12-43-212 and ~~parts 3,~~
20 ~~4, 5, 6, and 7~~ of this article.

21 (4) Each board ~~and the director~~ shall maintain current lists of the
22 names of all licensees, registrants, AND certificate holders ~~and unlicensed~~
23 ~~psychotherapists~~ and records of cases and decisions rendered by the
24 board. ~~or the director~~. In addition, each board ~~and the director~~ shall keep
25 an accurate record of the results of all examinations for at least five years
26 ~~subsequent to~~ AFTER the date of the examination.

27 (7) (a) ~~The director and any~~ A member of a board or of a

1 professional review committee authorized by a board, ~~or director, any~~ A
2 member of staff to a board OR committee, ~~or the director, any~~ A person
3 acting as a witness or consultant to a board OR committee, ~~or the director,~~
4 ~~any~~ A witness testifying in a proceeding authorized under this article, and
5 ~~any~~ A person who lodges a complaint pursuant to this article ~~shall be~~ IS
6 immune from liability in ~~any~~ A civil action brought against him or her for
7 acts occurring while acting in his or her capacity as ~~the director,~~ A board
8 or committee member, staff, consultant, or witness, respectively, if ~~such~~
9 THE individual was acting in good faith within the scope of his or her
10 respective capacity, made a reasonable effort to obtain the facts of the
11 matter as to which he or she acted, and acted in the reasonable belief that
12 the action taken by him or her was warranted by the facts. ~~Any~~ A person
13 participating in good faith in lodging a complaint or participating in ~~any~~
14 AN investigative or administrative proceeding pursuant to this article ~~shall~~
15 ~~be~~ IS immune from any civil or criminal liability that may result from such
16 participation.

17 (b) ~~Further, any~~ A person participating in good faith in the making
18 of a complaint or report or participating in any investigative or
19 administrative proceeding before the board ~~or the director,~~ pursuant to
20 this article ~~shall be~~ IS immune from any CIVIL OR CRIMINAL liability ~~civil~~
21 ~~or criminal,~~ that ~~otherwise~~ might result by reason of ~~such~~ THE action.

22 (11) (a) (I) SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH
23 (II) OF THIS PARAGRAPH (a), a professional review committee may be
24 established pursuant to this subsection (11) to investigate the quality of
25 care being given by a person licensed, registered, OR certified ~~or regulated~~
26 pursuant to this article. If ~~such~~ a PROFESSIONAL REVIEW committee is
27 established, it ~~shall~~ MUST include in its membership at least three persons

1 licensed, registered, OR certified ~~or regulated~~ under either ~~part 3, 4, 5, 6,~~
2 ~~7, or 8~~ of this article, ~~whichever is applicable~~; and such persons shall
3 MUST be licensees, registrants, OR certificate holders ~~or unlicensed~~
4 ~~psychotherapists~~ in the same profession as the licensee, registrant, OR
5 certificate holder ~~or unlicensed psychotherapist~~ who is the subject of a
6 professional review proceeding. ~~but such~~

7 (II) A PROFESSIONAL REVIEW committee may be authorized to act
8 only by a society or an association of persons licensed, registered, OR
9 certified ~~or regulated~~ pursuant to this article whose membership includes
10 not less than one-third of the persons licensed, registered, OR certified ~~or~~
11 ~~regulated~~ pursuant to ~~part 3, 4, 5, 6, 7, or 8~~ of this article ~~whichever is~~
12 ~~applicable~~; residing in this state if the licensee, registrant, OR certificate
13 holder ~~or unlicensed psychotherapist~~ whose services are the subject of
14 review is a member of ~~such~~ THE society or association.

15 **SECTION 20.** 12-43-203.5, Colorado Revised Statutes, is
16 amended to read:

17 **12-43-203.5. Limitation on authority.** The authority granted
18 each board under the provisions of this article ~~shall~~ DOES NOT ~~be construed~~
19 ~~to~~ authorize a board to arbitrate or adjudicate fee disputes between
20 licensees, REGISTRANTS, OR CERTIFICATE HOLDERS, or between a licensee,
21 REGISTRANT, OR CERTIFICATE HOLDER and any other party.

22 **SECTION 21.** 12-43-204 (1), (2), (3), and (3.5), Colorado
23 Revised Statutes, are amended to read:

24 **12-43-204. Fees - renewal.** (1) THE DIVISION SHALL TRANSMIT
25 all fees collected ~~under parts 3, 4, 5, and 6~~ of PURSUANT TO this article
26 ~~shall be transmitted~~ to the state treasurer, who shall credit the ~~same~~ FEES
27 to the division of registrations cash fund pursuant to section 24-34-105,

1 C.R.S.

2 (2) Each board may charge application and examination fees
3 established pursuant to section 24-34-105, C.R.S., to all applicants for
4 licensure, REGISTRATION, OR CERTIFICATION under this ~~part 2.~~ No
5 ARTICLE. Fees received from applicants seeking licensure, ~~shall be~~
6 ~~refunded~~ REGISTRATION, OR CERTIFICATION ARE NOT REFUNDABLE.

7 (3) Every person licensed, REGISTERED, OR certified ~~or registered~~
8 to practice psychology, social work, marriage and family therapy,
9 professional counseling, PSYCHOTHERAPY, or addiction counseling ~~or~~
10 ~~listed in the state grievance board data base,~~ within the state shall renew
11 or reinstate his or her license, REGISTRATION, OR certification ~~or~~
12 ~~registration~~ pursuant to a schedule established by the director, and
13 licenses, REGISTRATIONS, AND certifications ~~and registrations~~ shall be
14 renewed or reinstated pursuant to section 24-34-102 (8), C.R.S. The
15 director may establish renewal fees and delinquency fees for
16 reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to
17 renew his or her license, REGISTRATION, OR certification ~~or registration~~
18 pursuant to the schedule established by the director, ~~such~~ THE license,
19 REGISTRATION, OR certification ~~or registration shall expire~~ EXPIRES. Any
20 person whose license, REGISTRATION, OR certification ~~or registration has~~
21 ~~expired shall be~~ EXPIRES IS subject to the penalties provided in this article
22 or section 24-34-102 (8), C.R.S.

23 (3.5) The director shall coordinate fee-setting pursuant to this
24 section so that all licensees, registrants, AND certificate holders ~~and~~
25 ~~unlicensed psychotherapists~~ pay fees as required by this section and
26 section 12-43-702.5 (1).

27 **SECTION 22.** The introductory portion to 12-43-205 (1) and

1 12-43-205 (1) (c), (1) (e), (1) (f), (1) (g), and (1) (h), Colorado Revised
2 Statutes, are amended to read:

3 **12-43-205. Records.** (1) ~~The director and~~ Each board shall keep
4 a record of proceedings and a register of all applications for licenses,
5 REGISTRATIONS, or certifications, which ~~shall~~ MUST include:

6 (c) The place of business AND MAILING ADDRESS of ~~such~~ THE
7 applicant;

8 (e) Whether or not an examination was required and, if required,
9 ~~the scores of the examination~~ PROOF THAT THE APPLICANT PASSED THE
10 EXAMINATION;

11 (f) Whether ~~or not~~ licensure, REGISTRATION, OR CERTIFICATION
12 was granted;

13 (g) The date of the action of the ~~director or~~ board;

14 (h) ~~Such~~ Other information as ~~may be deemed~~ THE BOARD DEEMS
15 necessary or advisable ~~by the director or board~~ in aid of the requirements
16 of this section.

17 **SECTION 23.** 12-43-206, Colorado Revised Statutes, is amended
18 to read:

19 **12-43-206. Licensure by endorsement - rules.** ~~The~~ A board ~~or~~
20 ~~the director, as appropriate,~~ may issue a license by endorsement to engage
21 in the practice of psychology, social work, marriage and family therapy,
22 professional counseling, or addiction counseling to ~~any~~ AN applicant who
23 has a license, registration, or certification in good standing as a
24 psychologist, social worker, marriage and family therapist, LICENSED
25 professional counselor, or addiction counselor under the laws of another
26 jurisdiction if the applicant presents proof satisfactory to the board ~~or~~
27 ~~director~~ that, at the time of application for a Colorado license by

1 endorsement, the applicant possesses credentials and qualifications that
2 are substantially equivalent to the requirements of section 12-43-304,
3 12-43-404, 12-43-504, 12-43-603, or 12-43-804, whichever is applicable.
4 Each board ~~or the director~~ shall promulgate rules setting forth the manner
5 in which THE BOARD WILL REVIEW credentials and qualifications of an
6 applicant. ~~will be reviewed by the board or the director.~~

7 **SECTION 24.** 12-43-207, Colorado Revised Statutes, is amended
8 to read:

9 **12-43-207. License - issuance.** Each board shall issue a
10 ~~certificate of licensure whenever~~ LICENSE, REGISTRATION, OR
11 CERTIFICATION, AS APPROPRIATE, WHEN an applicant ~~for licensure~~
12 successfully qualifies ~~therefor~~ FOR LICENSURE, REGISTRATION, OR
13 CERTIFICATION as provided in this article.

14 **SECTION 25.** 12-43-208, Colorado Revised Statutes, is amended
15 to read:

16 **12-43-208. Drugs - medicine.** Nothing in this article ~~shall be~~
17 ~~construed as permitting~~ PERMITS psychologists, social workers, marriage
18 and family therapists, LICENSED professional counselors,
19 PSYCHOTHERAPISTS, and addiction counselors licensed, REGISTERED, OR
20 certified ~~or registered~~ under this article ~~or unlicensed psychotherapists~~ to
21 administer or prescribe drugs or in any manner engage in the practice of
22 medicine as defined by the laws of this state.

23 **SECTION 26.** 12-43-209, Colorado Revised Statutes, is amended
24 to read:

25 **12-43-209. Collaborate with physician.** IN ORDER TO PROVIDE
26 FOR THE DIAGNOSIS AND TREATMENT OF MEDICAL PROBLEMS, a licensee,
27 registrant, OR certificate holder ~~or unlicensed psychotherapist, in order to~~

1 make provision for the diagnosis and treatment of medical problems, shall
2 collaborate with a physician licensed under the laws of this state, except
3 when practicing pursuant to the provisions of section ~~12-43-201 (9)~~
4 12-43-701 (3). A licensee, registrant, OR certificate holder ~~or unlicensed~~
5 ~~psychotherapist~~ shall not diagnose, prescribe for, treat, or advise a client
6 with reference to medical problems.

7 **SECTION 27.** The introductory portion to 12-43-211 (1) and
8 12-43-211 (1) (b), (1) (g), (2), (3), and (6), Colorado Revised Statutes, are
9 amended to read:

10 **12-43-211. Professional service corporations for the practice**
11 **of psychology, social work, marriage and family therapy,**
12 **professional counseling, and addiction counseling - definitions.**

13 (1) Licensees, REGISTRANTS, OR CERTIFICATE HOLDERS may form
14 professional service corporations for the practice of psychology, social
15 work, marriage and family therapy, professional counseling,
16 PSYCHOTHERAPY, or addiction counseling under the "Colorado Business
17 Corporation Act", articles 101 to 117 of title 7, C.R.S., if ~~such~~ THE
18 corporations are organized and operated in accordance with ~~the~~
19 ~~provisions of~~ this section. The articles of incorporation of ~~such~~
20 ~~corporations shall~~ A PROFESSIONAL SERVICE CORPORATION FORMED
21 PURSUANT TO THIS SECTION MUST contain provisions complying with the
22 following requirements:

23 (b) The corporation ~~shall~~ MUST be organized by licensees,
24 REGISTRANTS, OR CERTIFICATE HOLDERS for the purpose of conducting the
25 practice of psychology, social work, marriage and family therapy,
26 professional counseling, PSYCHOTHERAPY, or addiction counseling by the
27 respective licensees, REGISTRANTS, OR CERTIFICATE HOLDERS of those

1 practices. The corporation may be organized with any other person, and
2 any person may own shares in such corporation, if the following
3 conditions are met:

4 (I) The practice of psychology, AS DEFINED IN SECTION 12-43-303,
5 by the professional service corporation is performed by or under the
6 supervision of a licensed psychologist, and any psychologist member of
7 the professional service corporation remains individually responsible for
8 his OR HER professional acts and conduct as provided elsewhere in this
9 article; ~~or~~

10 (II) (Deleted by amendment, L. 98, p. 1111, § 11, effective July
11 1, 1998.)

12 (III) The practice of social work, AS DEFINED IN SECTION
13 12-43-403, by the professional service corporation is performed by a
14 licensed social worker acting independently or under the supervision of
15 a person licensed pursuant to this article or a licensed social worker. Any
16 licensed social worker member of the professional service corporation
17 remains individually responsible for his or her professional acts and
18 conduct as provided elsewhere in this article; ~~or~~

19 (IV) The practice of marriage and family therapy, AS DEFINED IN
20 SECTION 12-43-503, by the professional service corporation is performed
21 by a licensed marriage and family therapist acting independently or under
22 the supervision of a person licensed pursuant to this article or a licensed
23 marriage and family therapist. Any licensed marriage and family
24 therapist member of the professional service corporation remains
25 individually responsible for his OR HER professional acts and conduct as
26 provided elsewhere in this article; ~~or~~

27 (V) The practice of professional counseling, AS DEFINED IN

1 SECTION 12-43-601, by the professional service corporation is performed
2 by a licensed professional counselor acting independently or under the
3 supervision of a person licensed pursuant to this article or a licensed
4 professional counselor. Any licensed professional counselor member of
5 the professional service corporation remains individually responsible for
6 his OR HER professional acts and conduct as provided elsewhere in this
7 article;

8 (VI) The practice of addiction counseling, AS DEFINED IN SECTION
9 12-43-802, by the professional service corporation is performed by a
10 licensed addiction counselor acting independently or under the
11 supervision of a person licensed pursuant to this article or a licensed
12 addiction counselor. Any licensed addiction counselor member of the
13 professional service corporation remains individually responsible for his
14 or her professional acts and conduct as provided in this article; OR

15 (VII) THE PRACTICE OF PSYCHOTHERAPY, AS DEFINED IN SECTION
16 12-43-201, BY THE PROFESSIONAL SERVICE CORPORATION IS PERFORMED
17 BY A REGISTERED PSYCHOTHERAPIST ACTING INDEPENDENTLY OR UNDER
18 THE SUPERVISION OF A PERSON LICENSED PURSUANT TO THIS ARTICLE OR
19 A REGISTERED PSYCHOTHERAPIST. ANY REGISTERED PSYCHOTHERAPIST
20 MEMBER OF THE PROFESSIONAL SERVICE CORPORATION REMAINS
21 INDIVIDUALLY RESPONSIBLE FOR HIS OR HER PROFESSIONAL ACTS AND
22 CONDUCT AS PROVIDED IN THIS ARTICLE.

23 (g) The articles of incorporation ~~shall~~ MUST provide, and all
24 shareholders of the corporation ~~shall~~ MUST agree, that either all
25 shareholders of the corporation ~~shall be~~ ARE jointly and severally liable
26 for all acts, errors, and omissions of the employees of the corporation or
27 that all shareholders of the corporation ~~shall be~~ ARE jointly and severally

1 liable for all acts, errors, and omissions of the employees of the
2 corporation except during periods of time when the corporation shall
3 ~~maintain in good standing~~ MAINTAINS professional liability insurance
4 ~~which~~ THAT meets the following minimum standards:

5 (I) The insurance ~~shall insure~~ INSURES the corporation against
6 liability imposed upon the corporation by law for damages resulting from
7 any claim made against the corporation arising out of the performance of
8 professional services for others by those officers and employees of the
9 corporation who are licensed, REGISTERED, OR CERTIFIED to practice
10 under this article or ~~who are certified or licensed school psychologists or~~
11 by those employees who provide professional services under supervision.

12 (II) ~~Such~~ THE insurance ~~policies shall insure~~ INSURES the
13 corporation against liability imposed upon it by law for damages arising
14 out of the acts, errors, and omissions of all nonprofessional employees.

15 (III) The insurance ~~shall be~~ IS in an amount for each claim of at
16 least one hundred thousand dollars multiplied by the number of persons
17 licensed, REGISTERED, OR CERTIFIED to practice under this article ~~or by the~~
18 ~~number of certified or licensed school psychologists,~~ WHO ARE employed
19 by the corporation. ~~and~~ The policy may provide for an aggregate
20 maximum limit of liability per year for all claims of three hundred
21 thousand dollars also multiplied by the number of licensees,
22 REGISTRANTS, or ~~certified or licensed school psychologists~~ CERTIFICATE
23 HOLDERS employed by the corporation, but no ~~firm shall be~~ CORPORATION
24 IS required to carry insurance in excess of three hundred thousand dollars
25 for each claim with an aggregate maximum limit of liability for all claims
26 during the year of nine hundred thousand dollars.

27 (IV) The insurance policy may provide that it does not apply to:

1 Any dishonest, fraudulent, criminal, or malicious act or omission of the
2 insured corporation or any stockholder or employee ~~thereof~~ OF THE
3 CORPORATION; or the conduct of any business enterprise, as distinguished
4 from the practice of licensees, REGISTRANTS, or ~~certified or licensed~~
5 ~~school psychologists~~) CERTIFICATE HOLDERS, in which the insured
6 corporation under this section is not permitted to engage but ~~which~~ THAT
7 nevertheless may be owned by the insured corporation or in which the
8 insured corporation may be a partner or ~~which~~ THAT may be controlled,
9 operated, or managed by the insured corporation in its own or in a
10 fiduciary capacity, including the ownership, maintenance, or use of any
11 property in connection therewith, when not resulting from breach of
12 professional duty of, bodily injury to, or sickness, disease, or death of any
13 person or to injury to or destruction of any tangible property, including
14 the loss of use ~~thereof~~ OF TANGIBLE PROPERTY.

15 (V) The insurance policy may contain reasonable provisions with
16 respect to policy periods, territory, claims, conditions, and other usual
17 matters.

18 (2) The corporation shall ~~do nothing~~ NOT ACT OR FAIL TO ACT IN
19 A MANNER that ~~if done by a licensee, and employed by it,~~ would violate
20 ~~the provisions of~~ section 12-43-222 (1). Any violation of this section by
21 the corporation ~~shall be~~ IS grounds for a board to discipline any licensee,
22 REGISTRANT, OR CERTIFICATE HOLDER WHO IS A MEMBER OF OR IS
23 EMPLOYED BY THE CORPORATION pursuant to section 12-43-224.

24 (3) Nothing in this section ~~shall be deemed to diminish or change~~
25 DIMINISHES OR CHANGES the obligation of each licensee, REGISTRANT, OR
26 CERTIFICATE HOLDER employed by the corporation to conduct his or her
27 practice ~~so as not to~~ IN A MANNER THAT DOES NOT violate ~~the provisions~~

1 of section 12-43-222 (1). Any licensee, REGISTRANT, OR CERTIFICATE
2 HOLDER who, by act or omission, causes the corporation to act or fail to
3 act in a way that violates ~~the provisions of~~ section 12-43-222 (1) or ~~any~~
4 ~~provision of this section shall be deemed~~ IS personally responsible for
5 ~~such~~ THE act or omission and ~~shall be~~ IS subject to discipline ~~therefor~~ by
6 the board.

7 (6) Nothing in this article ~~shall be construed to limit~~ LIMITS
8 persons licensed, REGISTERED, OR CERTIFIED under ~~any part of this article~~
9 ~~or certified or licensed school psychologists~~ from forming a corporation
10 with persons licensed, REGISTERED, OR CERTIFIED under ~~any other part of~~
11 this article. ~~or certified or licensed school psychologists.~~

12 **SECTION 28.** 12-43-212, Colorado Revised Statutes, is amended
13 to read:

14 **12-43-212. Denial of license, registration, or certification -**
15 **reinstatement.** (1) Each board is empowered to determine whether an
16 applicant for licensure, REGISTRATION, OR CERTIFICATION possesses the
17 qualifications ~~for licensure~~ required by this article.

18 (2) If a board ~~or the director pursuant to the authority specified in~~
19 ~~part 8 of this article,~~ determines that an applicant does not possess the
20 applicable qualifications required by this article or, for a licensed clinical
21 social worker, licensed social worker, licensed marriage and family
22 therapist, licensed professional counselor, licensed addiction counselor,
23 or level II or III certified addiction counselor, is unable to demonstrate his
24 or her continued professional competence as required by section
25 12-43-411, 12-43-506, 12-43-605, or 12-43-805, respectively, the board
26 ~~or the director pursuant to the authority specified in part 8 of this article,~~
27 may deny the applicant a license, REGISTRATION, OR CERTIFICATION or

1 deny the reinstatement of a license, ~~and, in such instance~~ REGISTRATION,
2 OR CERTIFICATION. IF THE APPLICATION IS DENIED, the board ~~or director~~
3 shall provide the applicant with a statement in writing setting forth the
4 basis of the board's ~~or director's~~ determination that the applicant does not
5 possess the qualifications or professional competence required by this
6 article. The applicant may request a hearing on the determination as
7 provided in section 24-4-104 (9), C.R.S.

8 (3) If a board has any reason to believe that or receives any
9 information that an applicant, renewal applicant, or reinstatement
10 applicant has ~~done~~ COMMITTED any of the acts set forth in section
11 12-43-222 (1) as grounds for discipline, the board may deny a license,
12 REGISTRATION, OR CERTIFICATION to the applicant, renewal applicant, or
13 reinstatement applicant if the board determines that there is a basis for
14 ~~such~~ THE denial. The order of the board to grant or deny ~~such~~ A license,
15 ~~shall be the~~ REGISTRATION, OR CERTIFICATION CONSTITUTES final agency
16 action.

17 (4) A board, on its own motion or upon application, at any time
18 after the refusal to grant a license, REGISTRATION, OR CERTIFICATION, may
19 reconsider its prior action and grant ~~such~~ A license, REGISTRATION, OR
20 CERTIFICATION. ~~The taking of any such further action shall rest in the~~
21 ~~BOARD HAS sole discretion of the board; except that the board shall not act~~
22 ~~in contradiction to a decision of the grievance board~~ TO DETERMINE
23 WHETHER TO TAKE FURTHER ACTION ON THE APPLICATION AFTER IT
24 REFUSES TO GRANT A LICENSE, REGISTRATION, OR CERTIFICATION.

25 **SECTION 29.** 12-43-213, Colorado Revised Statutes, is amended
26 to read:

27 **12-43-213. Legislative intent - schools and colleges -**

1 **examinations.** It is the intent of the general assembly that the definition
2 relating to full-time courses of study and institutions of higher education
3 for graduation of persons who are ~~thereby~~ qualified to take examinations
4 for licensure under this article be liberally construed by ~~the director and~~
5 each board under the ~~director's or board's~~ rule-making powers to ensure
6 the right to take ~~such~~ THE examinations. It is not the intent that technical
7 barriers be used to deny the ability to take ~~such~~ AN examination.

8 **SECTION 30.** The introductory portion to 12-43-214 (1) and
9 12-43-214 (1) (a), (1) (b), (1) (c), (1) (d) (III), (1) (d) (IV), (4) (d), and (4)
10 (g), Colorado Revised Statutes, are amended, and the said 12-43-214 (1)
11 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
12 read:

13 **12-43-214. Mandatory disclosure of information to clients.**
14 (1) Except as otherwise provided in subsection (4) of this section, every
15 ~~unlicensed psychotherapist~~, licensee, REGISTRANT, OR certificate holder
16 ~~or registrant~~ shall provide the following information VERBALLY AND in
17 writing to each client during the initial client contact:

18 (a) The name, business address, and business phone number of the
19 ~~unlicensed psychotherapist~~, licensee, REGISTRANT, OR certificate holder;
20 ~~or registrant~~;

21 (b) (I) AN EXPLANATION OF THE LEVELS OF REGULATION
22 APPLICABLE TO MENTAL HEALTH PROFESSIONALS UNDER THIS ARTICLE
23 AND THE DIFFERENCES BETWEEN LICENSURE, REGISTRATION, AND
24 CERTIFICATION, INCLUDING THE EDUCATIONAL, EXPERIENCE, AND
25 TRAINING REQUIREMENTS APPLICABLE TO THE PARTICULAR LEVEL OF
26 REGULATION; AND

27 (II) A listing of any degrees, credentials, certifications,

1 REGISTRATIONS, and licenses HELD OR OBTAINED BY THE LICENSEE,
2 REGISTRANT, OR CERTIFICATE HOLDER, INCLUDING THE EDUCATION,
3 EXPERIENCE, AND TRAINING THE LICENSEE, REGISTRANT, OR CERTIFICATE
4 HOLDER WAS REQUIRED TO SATISFY IN ORDER TO OBTAIN THE DEGREE,
5 CREDENTIALS, CERTIFICATIONS, REGISTRATIONS, OR LICENSES;

6 (c) A statement indicating that the practice of ~~both licensed and~~
7 ~~unlicensed~~ OR REGISTERED persons ~~and certified or licensed school~~
8 ~~psychologists~~ in the field of psychotherapy is regulated by the department
9 of regulatory agencies, and an address and telephone number for the
10 ~~grievance board~~ and THAT REGULATES THE LICENSEE, REGISTRANT, OR
11 CERTIFICATE HOLDER; _____

12 (d) A statement indicating that:

13 (III) In a professional relationship, sexual intimacy is never
14 appropriate and should be reported to ~~the director or~~ the board that
15 ~~regulates~~ LICENSES, registers, OR certifies ~~or licenses such unlicensed~~
16 ~~psychotherapist~~ THE LICENSEE, registrant, OR certificate holder; ~~or~~
17 ~~licensee;~~

18 (IV) The information provided by the client during therapy
19 sessions is legally confidential in the case of licensed marriage and family
20 therapists, social workers, professional counselors, AND psychologists;
21 licensed or certified addiction counselors; and ~~unlicensed~~ REGISTERED
22 psychotherapists, except as provided in section 12-43-218 and except for
23 certain legal exceptions that will be identified by the licensee, registrant,
24 OR certificate holder ~~or unlicensed psychotherapist~~ should any such
25 situation arise during therapy; AND

26 (e) IF THE MENTAL HEALTH PROFESSIONAL IS A REGISTERED
27 PSYCHOTHERAPIST, A STATEMENT INDICATING THAT A REGISTERED

1 PSYCHOTHERAPIST IS A PSYCHOTHERAPIST LISTED IN THE STATE'S DATA
2 BASE AND IS AUTHORIZED BY LAW TO PRACTICE PSYCHOTHERAPY IN
3 COLORADO BUT IS NOT LICENSED BY THE STATE AND IS NOT REQUIRED TO
4 SATISFY ANY STANDARDIZED EDUCATIONAL OR TESTING REQUIREMENTS
5 TO OBTAIN A REGISTRATION FROM THE STATE.

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

9 (d) The client is in the physical custody of either the department
10 of corrections or the department of human services and such department
11 has developed an alternative program to provide similar information to
12 such client and such program has been established through rule or
13 regulation; pursuant to the "State Administrative Procedure Act", article
14 4 of title 24, C.R.S.;

15 (g) By a person licensed or certified pursuant to this article, or by
16 ~~an unlicensed~~ A REGISTERED psychotherapist practicing in a hospital that
17 is licensed or certified under section 25-1.5-103 (1) (a) (I) or (1) (a) (II),
18 C.R.S.

19 **SECTION 31.** 12-43-215 (5), (7), and (10), Colorado Revised
20 Statutes, are amended to read:

21 **12-43-215. Scope of article - exemptions.** (5) Nothing in this
22 section ~~shall be construed to limit~~ LIMITS the applicability of ~~the~~
23 ~~provisions of~~ section 18-3-405.5, C.R.S., which ~~shall apply~~ APPLIES to
24 any person while he OR SHE is practicing psychotherapy as defined in this
25 article.

26 (7) The provisions of this article shall not apply to mental health
27 professionals acting within the scope of a court appointment to undertake

1 custodial evaluations in domestic relations cases in the courts of this state
2 or to mental health professionals acting within the scope of a court
3 appointment to undertake domestic and child abuse evaluations for
4 purposes of legal proceedings in the courts of this state.

5 (10) The provisions of this article shall DO not apply to a
6 professional coach, INCLUDING A LIFE COACH, EXECUTIVE COACH,
7 PERSONAL COACH, OR BUSINESS COACH, who has had coach-specific
8 training and who serves clients exclusively as a coach, AS LONG AS THE
9 PROFESSIONAL COACH DOES NOT ENGAGE IN THE PRACTICE OF
10 PSYCHOLOGY, SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, LICENSED
11 PROFESSIONAL COUNSELING, PSYCHOTHERAPY, OR ADDICTION
12 COUNSELING, AS THOSE PRACTICES ARE DEFINED IN THIS ARTICLE.

13 **SECTION 32.** 12-43-218 (1), the introductory portion to
14 12-43-218 (2), 12-43-218 (2) (a) and (2) (b), the introductory portion to
15 12-43-218 (2) (c), and 12-43-218 (2) (c) (I), (2) (c) (II), and (3), Colorado
16 Revised Statutes, are amended, and the said 12-43-218 is further amended
17 BY THE ADDITION OF A NEW SUBSECTION, to read:

18 **12-43-218. Disclosure of confidential communications.** (1) A
19 licensee, ~~school psychologist,~~ registrant, OR certificate holder ~~or~~
20 ~~unlicensed psychotherapist~~ shall not disclose, without the consent of the
21 client, any confidential communications made by the client, or advice
22 given ~~thereon~~ TO THE CLIENT, in the course of professional employment.
23 ~~nor shall~~ A licensee's, ~~school psychologist's,~~ registrant's, OR certificate
24 holder's ~~or unlicensed psychotherapist's~~ employee or associate, whether
25 clerical or professional, SHALL NOT disclose any knowledge of said
26 communications acquired in such capacity. ~~nor shall~~ Any person who has
27 participated in any therapy conducted under the supervision of a licensee,

1 ~~school psychologist, registrant, OR certificate holder, or unlicensed~~
2 ~~psychotherapist, including but not limited to, group therapy sessions,~~
3 SHALL NOT disclose any knowledge gained during the course of such
4 therapy without the consent of the person to whom the knowledge relates.

5 (2) Subsection (1) of this section ~~shall~~ DOES not apply when:

6 (a) A client or the heirs, executors, or administrators of a client
7 file suit or a complaint against a licensee, ~~school psychologist, registrant,~~
8 OR certificate holder ~~or unlicensed psychotherapist~~ on any cause of action
9 arising out of or connected with the care or treatment of ~~such~~ THE client
10 by the licensee, ~~school psychologist, registrant, OR certificate holder; or~~
11 ~~unlicensed psychotherapist;~~

12 (b) A licensee, ~~school psychologist, registrant, OR certificate~~
13 ~~holder or unlicensed psychotherapist~~ was in consultation with a physician,
14 registered professional nurse, licensee, ~~school psychologist, registrant, OR~~
15 ~~certificate holder or unlicensed psychotherapist~~ against whom a suit or
16 complaint was filed based on the case out of which said suit or complaint
17 arises;

18 (c) A review of services of a licensee, ~~school psychologist,~~
19 ~~registrant, OR certificate holder or unlicensed psychotherapist~~ is
20 conducted by any of the following:

21 (I) A board ~~or the director~~ or a person or group authorized by the
22 board ~~or director~~ to make an investigation on its behalf;

23 (II) The governing board of a hospital licensed pursuant to part 1
24 of article 3 of title 25, C.R.S., where ~~said~~ THE licensee, ~~school~~
25 ~~psychologist, registrant, OR certificate holder or unlicensed~~
26 ~~psychotherapist~~ practices or the medical staff of such hospital if the
27 medical staff operates pursuant to written bylaws approved by the

1 governing board of ~~such~~ THE hospital; or

2 (3) The records and information produced and used in the review
3 provided for in paragraph (c) of subsection (2) of this section ~~shall~~ DO not
4 become public records solely by virtue of the use of ~~such~~ THE records and
5 information. The identity of ~~any~~ A client whose records are ~~so~~ reviewed
6 shall not be disclosed to any person not directly involved in ~~such~~ THE
7 review process, and procedures shall be adopted by ~~the director~~ or a
8 board, hospital, association, or society to ensure that the identity of the
9 client is concealed during the review process itself and to comply with ~~the~~
10 ~~provisions~~ of section 12-43-224 (4).

11 (6) THIS SECTION DOES NOT APPLY TO COVERED ENTITIES, THEIR
12 BUSINESS ASSOCIATES, OR HEALTH OVERSIGHT AGENCIES, AS EACH IS
13 DEFINED IN THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
14 ACCOUNTABILITY ACT OF 1996", AS AMENDED BY THE FEDERAL "HEALTH
15 INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH
16 ACT", AND THE RESPECTIVE IMPLEMENTING REGULATIONS.

17 **SECTION 33.** The introductory portion to 12-43-221 (1) and
18 12-43-221 (1) (b), (1) (f), and (2), Colorado Revised Statutes, are
19 amended to read:

20 **12-43-221. Powers and duties of the boards - rules.** (1) In
21 addition to all other powers and duties conferred and imposed upon the
22 boards, as defined in section 12-43-201 (1), ~~and the director by this~~
23 ~~article~~; each board ~~and the director, as appropriate, have~~ HAS the
24 following powers and duties with respect to the licensing, registration,
25 AND certification ~~and regulation~~ of the persons licensed, registered, OR
26 certified ~~or listed~~ by each individual board pursuant to ~~part 3, 4, 5, 6, or~~
27 ~~7~~ of this article: ~~or by the director pursuant to part 8 of this article:~~

1 (b) (I) To make investigations, hold hearings, and take evidence
2 in accordance with ~~the provisions of~~ article 4 of title 24, C.R.S., and this
3 article in all matters relating to the exercise and performance of the
4 powers and duties vested in each board. ~~or the director.~~

5 (II) ~~The director and~~ Each board, or an administrative law judge
6 acting on the ~~director's or board's~~ behalf, ~~shall have the power to~~ MAY
7 administer oaths, take affirmations of witnesses, and issue subpoenas to
8 compel the attendance of witnesses and the production of all relevant
9 papers, books, records, documentary evidence, and materials in any
10 hearing, investigation, accusation, or other matter ~~coming~~ before the
11 ~~director or board.~~ ~~The director and~~ Each board may appoint an
12 administrative law judge pursuant to part 10 of article 30 of title 24,
13 C.R.S., to take evidence and to make findings and report them to the
14 ~~director or board~~ pursuant to paragraph (e) of this subsection (1).

15 (III) Upon failure of ~~any~~ A witness to comply with ~~such~~ A
16 subpoena or process, the district court of the county in which the
17 subpoenaed person or licensee resides or conducts business, upon
18 application by the board ~~or director~~ with notice to the subpoenaed person
19 or licensee, may issue to the person or licensee an order requiring that
20 person or licensee to appear before the ~~director~~ BOARD; to produce the
21 relevant papers, books, records, documentary evidence, or materials if so
22 ordered; or to give evidence touching the matter under investigation or in
23 question. THE COURT MAY PUNISH THE failure to obey the order of the
24 court ~~may be punished by the court~~ as a contempt of court.

25 (f) To notify the public of all disciplinary actions taken against
26 licensees, registrants, OR certificate holders ~~or unlicensed~~
27 ~~psychotherapists~~ pursuant to this article.

1 (2) Pursuant to this part 2 and article 4 of title 24, C.R.S., ~~the~~
2 ~~director and~~ each board is authorized to adopt and revise ~~such~~ rules as
3 ~~may be~~ necessary to enable the ~~director or~~ board to carry out the
4 provisions of this part 2 with respect to the regulation of the persons
5 licensed, registered, OR certified ~~or regulated~~ by each individual board
6 pursuant to ~~part 3, 4, 5, 6, or 7~~ of this article. ~~or by the director pursuant~~
7 ~~to part 8 of this article.~~

8 **SECTION 34.** 12-43-224 (1), (2) (c), (2) (d), (2) (e), (3), (4), (8),
9 and (9), Colorado Revised Statutes, are amended to read:

10 **12-43-224. Disciplinary proceedings - judicial review - mental**
11 **and physical examinations - multiple licenses.** (1) (a) A proceeding
12 for discipline of a licensee, registrant, or ~~unlicensed psychotherapist~~
13 CERTIFICATE HOLDER may be commenced when the board that licenses,
14 registers, or ~~regulates such~~ CERTIFIES THE licensee, registrant, or
15 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER has reasonable grounds
16 to believe that a THE licensee, registrant, or ~~unlicensed psychotherapist~~
17 CERTIFICATE HOLDER under ~~such~~ THE board's jurisdiction has committed
18 any act or failed to act pursuant to the grounds established in section
19 12-43-222 or 12-43-226.

20 (b) A licensee, registrant, or ~~unlicensed psychotherapist~~
21 CERTIFICATE HOLDER who holds more than one license, registration, or
22 ~~listing~~ CERTIFICATION pursuant to this article, who has committed any act
23 or failed to act pursuant to the grounds established in section 12-43-222
24 or 12-43-226, ~~shall be~~ IS subject to disciplinary action by all boards that
25 license, register, or ~~regulate such~~ CERTIFY THE person pursuant to this
26 article. The findings, conclusions, and final agency order of the first
27 board to take disciplinary action pursuant to this section against the

1 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER,
2 or any disciplinary action taken by the state grievance board as it existed
3 prior to July 1, 1998, ~~shall be~~ IS prima facie evidence against ~~such~~ THE
4 person in any subsequent disciplinary action taken by another board
5 concerning the same act or series of acts.

6 (c) If a licensee, registrant, or ~~unlicensed psychotherapist~~
7 CERTIFICATE HOLDER who ~~makes application~~ APPLIES for a license,
8 registration, or ~~listing~~ CERTIFICATION pursuant to this article has been
9 disciplined by any board created pursuant to this article, or the state
10 grievance board as it existed prior to July 1, 1998, the findings,
11 conclusions, and final agency order of the first board to take disciplinary
12 action pursuant to this section against the licensee, registrant, or
13 ~~unlicensed psychotherapist shall be~~ CERTIFICATE HOLDER IS prima facie
14 evidence against ~~such~~ THE person in any subsequent application made for
15 a license, registration, or ~~listing~~ CERTIFICATION to any other board created
16 pursuant to this article.

17 (2) (c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
18 PARAGRAPH (c), A BOARD SHALL NOT DENY, REVOKE, OR SUSPEND a
19 licensee's, ~~or~~ registrant's, OR CERTIFICATE HOLDER'S right to use a title
20 ~~shall not be denied, revoked, or suspended by any board, and a licensee,~~
21 ~~registrant, or unlicensed psychotherapist~~ AND shall not be placed PLACE
22 A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER on probation by any
23 board pursuant to the grounds established in sections 12-43-222 and
24 12-43-226 until after a hearing has been conducted if ~~so~~ required pursuant
25 to section 24-4-105, C.R.S. ~~except as provided for~~

26 (II) THE BOARD THAT LICENSES, REGISTERS, OR CERTIFIES A
27 LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER PURSUANT TO THIS

1 ARTICLE MAY SUMMARILY SUSPEND THE PERSON'S LICENSE,
2 REGISTRATION, OR CERTIFICATION, SUBJECT TO THE LIMITATION OF
3 SECTION 24-4-104, C.R.S., UNDER THE FOLLOWING CIRCUMSTANCES:

4 (A) In emergency situations, AS PROVIDED FOR by section
5 24-4-104, C.R.S.; ~~or except~~

6 (B) ~~In the event that a~~ THE licensee, registrant, or ~~unlicensed~~
7 ~~psychotherapist~~ CERTIFICATE HOLDER has been adjudicated BY A COURT
8 OF COMPETENT JURISDICTION as being gravely disabled, mentally retarded,
9 mentally incompetent, or insane or as having a mental illness by a court
10 of competent jurisdiction; ~~or except~~

11 (C) ~~In the event that a~~ THE licensee, registrant, or ~~unlicensed~~
12 ~~psychotherapist~~ CERTIFICATE HOLDER violates paragraph (e) of this
13 subsection (2). ~~in which case, the board that licenses, registers, or~~
14 ~~regulates such licensee, registrant, or unlicensed psychotherapist pursuant~~
15 ~~to this article is empowered to summarily suspend such person's license,~~
16 ~~registration, or listing subject to the limitation of section 24-4-104, C.R.S.~~

17 (d) If a board has reasonable cause to believe that a licensee,
18 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER whom ~~such~~
19 THE board licenses, registers, or ~~regulates~~ CERTIFIES pursuant to this
20 article is unable to practice with reasonable skill and safety to patients, ~~it~~
21 THE BOARD may require ~~such~~ THE licensee, registrant, or ~~unlicensed~~
22 ~~psychotherapist~~ CERTIFICATE HOLDER to submit to mental or physical
23 examinations designated by the board. Upon the failure of ~~such~~ THE
24 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER
25 to submit to ~~such~~ A mental or physical ~~examinations~~ EXAMINATION, AND
26 unless ~~such~~ THE person shows good cause for such failure, the board may
27 act pursuant to paragraph (c) of this subsection (2) or enjoin a LICENSEE,

1 registrant, ~~unlicensed psychotherapist~~, or licensee CERTIFICATE HOLDER
2 pursuant to section 12-43-227 until ~~such time as such~~ THE person submits
3 to the required examinations.

4 (e) Every licensee, registrant, or ~~unlicensed psychotherapist~~ shall
5 ~~be~~ CERTIFICATE HOLDER IS deemed to have ~~given consent~~ CONSENTED to
6 submit to mental or physical examinations when directed in writing by the
7 board that licenses, registers, or ~~regulates such~~ CERTIFIES THE licensee,
8 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER pursuant
9 to this article and to have waived all objections to the admissibility of the
10 examiner's testimony or examination reports on the ground of privileged
11 communication.

12 (3) Disciplinary actions may consist of the following:

13 (a) **Revocation of a license, registration, or certification.**

14 (I) Revocation of a license, ~~or a registration~~, OR CERTIFICATION by a
15 board ~~shall mean~~ MEANS that the licensee, ~~or~~ registrant, OR CERTIFICATE
16 HOLDER shall surrender ~~such person's~~ HIS OR HER license, ~~or certificate of~~
17 registration, OR CERTIFICATION to the board within thirty days.

18 (II) Any person whose license, ~~or registration~~, OR CERTIFICATION
19 to practice is revoked ~~or whose listing has been stricken from the data~~
20 ~~base by the grievance board~~ is rendered ineligible to apply for any license,
21 registration, or ~~listing~~ CERTIFICATION issued under this article ~~until more~~
22 ~~than~~ FOR AT LEAST three years ~~have elapsed from~~ AFTER the date of
23 surrender of the license, ~~or certificate of registration~~, ~~or of the listing~~
24 ~~being stricken from the data base~~ OR CERTIFICATION. Any reapplication
25 after such three-year period ~~shall be~~ IS treated as a new application.

26 (b) **Suspension of a license, registration, or certification.**

27 Suspension of a license, registration, or ~~listing~~ CERTIFICATION by the

1 board that licenses, registers, or ~~regulates~~ CERTIFIES such licensee,
2 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER pursuant
3 to this article ~~shall be~~ IS for a period to be determined by ~~such~~ THE
4 APPLICABLE board.

5 (c) **Probationary status.** A BOARD MAY IMPOSE probationary
6 status ~~may be imposed by a board~~ ON A LICENSEE, REGISTRANT, OR
7 CERTIFICATE HOLDER. If a board places a licensee, registrant, or
8 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER on probation, it may
9 include ~~such~~ conditions for continued practice ~~as~~ THAT the board deems
10 appropriate to assure that the licensee, registrant, or ~~unlicensed~~
11 ~~psychotherapist~~ CERTIFICATE HOLDER is physically, mentally, and
12 otherwise qualified to practice in accordance with generally accepted
13 professional standards of practice, including any ~~or all~~ of the following:

14 (I) Submission by the licensee, registrant, or ~~unlicensed~~
15 ~~psychotherapist~~ CERTIFICATE HOLDER to ~~such~~ examinations ~~as~~ a board
16 may order to determine ~~such~~ THE person's physical or mental condition or
17 professional qualifications;

18 (II) ~~The taking by such person of such~~ PARTICIPATION IN therapy
19 or courses of training or education ~~as may be needed~~ THE BOARD
20 DETERMINES NECESSARY to correct deficiencies found either in the
21 hearing or by such examinations;

22 (III) ~~Such~~ Review or supervision of ~~such~~ THE person's practice as
23 may be necessary to determine the quality of, AND CORRECT ANY
24 DEFICIENCIES IN, that practice; ~~and to correct deficiencies therein;~~ and

25 (IV) The imposition of restrictions upon the nature of ~~such~~ THE
26 person's practice to assure that he or she does not practice beyond the
27 limits of his or her capabilities.

1 (d) **Issuance of letters of admonition.** (I) When a complaint or
2 investigation discloses an instance of misconduct that, in the opinion of
3 the board, does not warrant formal action by the board but that should not
4 be dismissed as being without merit, a letter of admonition may be issued
5 and sent, by certified mail, to the licensee, REGISTRANT, OR certificate
6 holder. ~~registrant, or unlicensed psychotherapist.~~

7 (II) When a letter of admonition is sent by the board, by certified
8 mail, to a licensee, REGISTRANT, OR certificate holder, ~~registrant, or~~
9 ~~unlicensed psychotherapist, such~~ THE LETTER ALSO MUST ADVISE THE
10 person ~~shall be advised~~ that he or she has the right to request, in writing
11 within twenty days after receipt of the letter, that formal disciplinary
12 proceedings be initiated to adjudicate the propriety of the conduct upon
13 which the letter of admonition is based.

14 (III) If the request for adjudication is timely made, the letter of
15 admonition ~~shall be deemed~~ IS vacated and the matter shall be processed
16 by means of formal disciplinary proceedings.

17 (e) **Issuance of confidential letters of concern.** ~~Such letters shall~~
18 ~~be sent by registered mail to the licensee, registrant, or unlicensed~~
19 ~~psychotherapist against whom a complaint was made~~ WHEN A
20 COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT
21 THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT
22 INDICATES TO THE BOARD CONDUCT BY THE LICENSEE, REGISTRANT, OR
23 CERTIFICATE HOLDER THAT COULD LEAD TO SERIOUS CONSEQUENCES IF
24 NOT CORRECTED, THE BOARD MAY ISSUE AND SEND TO THE LICENSEE,
25 REGISTRANT, OR CERTIFICATE HOLDER A CONFIDENTIAL LETTER OF
26 CONCERN. The letter ~~shall~~ MUST advise the licensee, registrant, or
27 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER that the board is

1 concerned about a complaint ~~that the board has~~ IT received about the
2 licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER
3 and MUST SPECIFY what action, if any, the licensee, registrant, or
4 ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER should take to assuage
5 the board's concern. CONFIDENTIAL letters of ~~confidential~~ concern ~~shall~~
6 ~~be~~ ARE confidential, and THE BOARD shall not ~~be disclosed~~ DISCLOSE THE
7 EXISTENCE OF SUCH A LETTER OR ITS CONTENTS to members of the public
8 or in any court action unless the board is a party TO THE ACTION.

9 (4) (a) ~~Except when a decision to proceed with a disciplinary~~
10 ~~action has been agreed upon by a majority of the board that licenses,~~
11 ~~registers, or regulates such licensee, registrant, or unlicensed~~
12 ~~psychotherapist, and a notice of formal complaint is drafted and served~~
13 ~~on the licensee, registrant, or unlicensed psychotherapist by first-class~~
14 ~~mail or upon final agency action unless the complaint is dismissed AS~~
15 PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), IF A COMPLAINT IS
16 DISMISSED, RECORDS OF investigations, examinations, hearings, meetings,
17 ~~or any~~ AND other proceedings of the board conducted pursuant to ~~the~~
18 ~~provisions of this section shall be~~ ARE exempt from ~~the provisions of the~~
19 open records law, article 72 of title 24, C.R.S. ~~requiring that proceedings~~
20 ~~of the board be conducted publicly or that the minutes or records of the~~
21 ~~board with respect to action of the board taken pursuant to the provisions~~
22 ~~of this section be open to public inspection.~~

23 (b) THE EXEMPTION FROM THE OPEN RECORDS LAW SPECIFIED IN
24 PARAGRAPH (a) OF THIS SUBSECTION (4) DOES NOT APPLY:

25 (I) WHEN A DECISION TO PROCEED WITH A DISCIPLINARY ACTION
26 HAS BEEN AGREED UPON BY A MAJORITY OF THE MEMBERS OF THE
27 APPLICABLE BOARD MEMBERS AND A NOTICE OF FORMAL COMPLAINT IS

1 DRAFTED AND SERVED ON THE LICENSEE, REGISTRANT, OR CERTIFICATE
2 HOLDER BY FIRST-CLASS MAIL; OR

3 (II) UPON FINAL AGENCY ACTION.

4 (c) IN any final agency action or ~~the filing of a formal complaint,~~
5 ~~when the board, determines it is~~ WHEN IT DEEMS necessary, shall redact
6 all names of clients or other recipients of services to protect such persons'
7 confidentiality.

8 (8) Any licensee, registrant, or ~~unlicensed psychotherapist~~
9 CERTIFICATE HOLDER against whom a malpractice claim is settled or a
10 judgment rendered in a court of competent jurisdiction shall notify the
11 board that licenses, registers, or ~~regulates such~~ CERTIFIES THE licensee,
12 registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER pursuant
13 to this article of ~~such~~ THE judgment or settlement within sixty days after
14 ~~such~~ THE disposition.

15 (9) Any licensee, registrant, or ~~unlicensed psychotherapist having~~
16 CERTIFICATE HOLDER WHO HAS direct knowledge that ~~an unlicensed~~
17 ~~psychotherapist~~ A LICENSEE, registrant, or ~~licensee~~ CERTIFICATE HOLDER
18 has violated ~~any of the provisions of~~ section 12-43-222 or 12-43-226 has
19 a duty to report ~~such knowledge~~ THE VIOLATION to the board that licenses,
20 registers, or ~~regulates such unlicensed psychotherapist~~ CERTIFIES THE
21 LICENSEE, registrant, or ~~licensee~~ CERTIFICATE HOLDER pursuant to this
22 article unless ~~such report~~ REPORTING THE VIOLATION would violate the
23 prohibition against disclosure of confidential information without client
24 consent pursuant to section 12-43-218.

25 **SECTION 35.** 12-43-225, Colorado Revised Statutes, is amended
26 to read:

27 **12-43-225. Reconsideration and review of action of a licensing**

1 **board or the grievance board.** A board, on its own motion or upon
2 application, at any time after the imposition of any discipline as provided
3 in section 12-43-224, may reconsider its prior action and reinstate or
4 restore such license, registration, or ~~listing or~~ CERTIFICATION; terminate
5 probation; or reduce the severity of its prior disciplinary action. The
6 ~~taking of any such~~ BOARD HAS SOLE DISCRETION TO DETERMINE WHETHER
7 TO TAKE further action or ~~the holding of~~ HOLD a hearing with respect
8 ~~thereto shall rest in the sole discretion of the board~~ TO ITS PRIOR
9 DISCIPLINARY ACTION.

10 **SECTION 36.** 12-43-226 (2), Colorado Revised Statutes, is
11 amended to read:

12 **12-43-226. Unauthorized practice - penalties.** (2) Any person
13 who practices or offers or attempts to practice as a PSYCHOLOGIST, social
14 worker, marriage and family therapist, LICENSED professional counselor,
15 PSYCHOTHERAPIST, OR addiction counselor ~~or psychologist~~ without an
16 active license, REGISTRATION, OR certification ~~or registration~~ issued under
17 this article commits a class 2 misdemeanor and shall be punished as
18 provided in section 18-1.3-501, C.R.S., for the first offense. Any person
19 who commits a second or any subsequent offense commits a class 6
20 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

21 **SECTION 37.** 12-43-227, Colorado Revised Statutes, is amended
22 to read:

23 **12-43-227. Injunctive proceedings.** (1) A board may, in the
24 name of the people of the state of Colorado, through the attorney general
25 of the state of Colorado, apply for an injunction in any court of competent
26 jurisdiction:

27 (a) To enjoin any person licensed, ~~regulated or~~ registered, OR

1 CERTIFIED by that board pursuant to ~~part 3, 4, 5, 6, or 7~~ of this article from
2 committing any act prohibited by ~~the provisions~~ of this article;

3 (b) To enjoin a licensee, ~~licensed~~ REGISTRANT, OR CERTIFICATE
4 HOLDER REGULATED by that board from practicing the profession for
5 which ~~such~~ THE person is licensed, REGISTERED, OR CERTIFIED under this
6 article ~~or to enjoin a registered psychologist candidate from practicing the~~
7 ~~profession for which such person is registered under section 12-43-304,~~
8 if ~~such~~ THE person has violated section 12-43-224 (2) (d) or 12-43-222.

9 (c) ~~To enjoin an unlicensed psychotherapist from practicing~~
10 ~~psychotherapy if such person has violated the provisions of section~~
11 ~~12-43-222.~~

12 (2) If ~~it is established~~ THE BOARD DEMONSTRATES that the
13 defendant has been or is committing any act prohibited by this article, the
14 court shall enter a decree perpetually enjoining ~~said~~ THE defendant from
15 further committing ~~said~~ THE act or from practicing any profession
16 licensed, registered, or ~~regulated~~ CERTIFIED pursuant to this article.

17 (3) ~~Such~~ Injunctive proceedings ~~shall be~~ ARE in addition to, and
18 not in lieu of, ~~all~~ penalties and other remedies provided in this article.

19 (4) When seeking an injunction under this section, a board ~~shall~~
20 IS not ~~be~~ required to allege or prove either that an adequate remedy at law
21 does not exist or that substantial or irreparable damage would result from
22 a continued violation.

23 **SECTION 38.** The introductory portion to 12-43-228 (1),
24 12-43-228 (1) (a), the introductory portion to 12-43-228 (1) (c), and
25 12-43-228 (2) and (3), Colorado Revised Statutes, are amended to read:

26 **12-43-228. Minimum standards for testing.** (1) Every person
27 licensed, registered, or ~~regulated~~ CERTIFIED under this article ~~shall~~ MUST

1 meet the minimum professional preparation standards set forth in this
2 section to engage in the administration, scoring, or interpretation of the
3 following levels of psychometric or electrodiagnostic testing:

4 (a) **General use.** There is no educational or experience minimum
5 necessary for a licensee, registrant, or ~~unlicensed psychotherapist~~
6 CERTIFICATE HOLDER to administer standardized personnel selection,
7 achievement, general aptitude, or proficiency tests.

8 (c) **Advanced use.** A licensee, registrant, or ~~unlicensed~~
9 ~~psychotherapist shall~~ CERTIFICATE HOLDER MUST meet all the
10 requirements of paragraph (b) of this subsection (1) and, in addition,
11 completion, at a regionally accredited university or college certified by
12 the accrediting agency or body to award graduate degrees, of at least one
13 graduate-level course in six of the following areas: Cognition, emotion,
14 attention, sensory-perceptual function, psychopathology, learning,
15 encephalopathy, neuropsychology, psychophysiology, personality, growth
16 and development, projective testing, and neuropsychological testing and
17 completion of one year of experience in advanced use practice under the
18 supervision of a person fully qualified under this paragraph (c) in order
19 to practice projective testing, neuropsychological testing, or ~~utilization~~
20 USE of a battery of three or more tests to:

21 (2) The board licensing, registering, or ~~regulating~~ CERTIFYING any
22 person violating ~~any provision~~ of this section may bring disciplinary
23 proceedings or injunctive proceedings against ~~such~~ THE person pursuant
24 to section 12-43-224 or 12-43-227.

25 (3) (a) ~~Any person licensed under this article on July 1, 1998, shall~~
26 ~~not be required to comply with the education requirements of paragraphs~~
27 ~~(b) and (c) of subsection (1) of this section if such person has, on such~~

1 ~~date, been licensed under this article for a period of seven consecutive~~
2 ~~years.~~

3 ~~(b) Any person licensed under this article on July 1, 1998, shall~~
4 ~~not be required to comply with the supervision requirements of paragraph~~
5 ~~(c) of subsection (1) of this section if such person has, on such date, been~~
6 ~~licensed under this article for a period of five consecutive years.~~

7 **SECTION 39.** 12-43-302 (2), the introductory portion to
8 12-43-302 (4) (b), and 12-43-302 (4) (b) (II), Colorado Revised Statutes,
9 are amended to read:

10 **12-43-302. State board of psychologist examiners.** (2) The
11 board ~~shall consist~~ CONSISTS of seven members who are citizens of the
12 United States and residents of the state of Colorado as follows:

13 (a) ~~Three~~ FOUR board members ~~shall~~ MUST be licensed
14 psychologists, at least two of whom shall be engaged in the direct practice
15 of psychology; except that, if, after a good-faith attempt, the governor
16 determines that an applicant for membership on the board pursuant to this
17 paragraph (a) who is engaged in the direct practice of psychology is not
18 available to serve on the board for a particular term, the governor may
19 appoint a licensed psychologist who is not engaged in the direct practice
20 of psychology.

21 (b) ~~Four~~ THREE board members ~~shall~~ MUST be representatives of
22 the general public, one of whom may be a mental health consumer or
23 family member of a mental health consumer. These individuals ~~shall~~
24 MUST have never been psychologists, applicants or former applicants for
25 licensure as psychologists, members of another mental health profession,
26 or members of households that include psychologists or members of
27 another mental health profession or otherwise have conflicts of interest

1 or the appearance of such conflicts with their duties as board members.

2 (4) (b) The terms of office of the members on the board ~~as of~~
3 ~~August 3, 2007, shall be~~ ARE modified as follows in order to ensure
4 staggered terms of office:

5 (II) The initial term of office of the one board member
6 representing the general public whose initial term would otherwise expire
7 on June 30, 2009, shall expire on May 31, 2009, and the board member
8 ~~shall be~~ IS eligible to serve one additional four-year term commencing on
9 June 1, 2009, and expiring on May 31, 2013. On and after the expiration
10 of this board member's term ~~persons appointed~~ OR A VACANCY IN THIS
11 POSITION, THE GOVERNOR SHALL APPOINT A LICENSED PSYCHOLOGIST to
12 this position on the board, ~~shall~~ WHO IS ELIGIBLE TO serve terms as
13 described in paragraph (a) of this subsection (4) commencing on June 1
14 of the applicable year.

15 **SECTION 40.** 12-43-303 (1) and (2), Colorado Revised Statutes,
16 are amended to read:

17 **12-43-303. Practice of psychology defined.** (1) For the
18 purposes of this part 3, the "practice of psychology" ~~is defined as~~ MEANS
19 the observation, description, evaluation, interpretation, ~~treatment,~~ or
20 modification of HUMAN behavior ~~cognitions, or emotions~~ by the
21 application of psychological ~~behavioral, and physical~~ principles, methods,
22 or procedures, for the purpose of:

23 (a) Preventing, ~~or~~ eliminating, EVALUATING, ASSESSING, OR
24 PREDICTING symptomatic, maladaptive, or undesired behavior; ~~cognitions,~~
25 ~~or emotions~~ and of enhancing interpersonal relationships, work and life
26 adjustment, personal effectiveness, behavioral health, and mental health.
27 ~~Psychologists use any and all psychological principles, methods, and~~

1 ~~devices to consider the full range of possible causes of patients' illnesses~~
2 ~~and select and apply the appropriate treatment methods.~~

3 (b) EVALUATING, ASSESSING, OR FACILITATING THE ENHANCEMENT
4 OF INDIVIDUAL, GROUP, OR ORGANIZATIONAL EFFECTIVENESS, INCLUDING
5 PERSONAL EFFECTIVENESS, ADAPTIVE BEHAVIOR, INTERPERSONAL
6 RELATIONSHIPS, WORK AND LIFE ADJUSTMENT, HEALTH, AND INDIVIDUAL,
7 GROUP, OR ORGANIZATIONAL PERFORMANCE; OR

8 (c) PROVIDING CLINICAL INFORMATION TO BE UTILIZED IN LEGAL
9 PROCEEDINGS.

10 (2) The practice of psychology includes: ~~but is not limited to:~~

11 (a) Psychological testing and the evaluation or assessment of
12 personal characteristics such as intelligence; personality; COGNITIVE,
13 PHYSICAL, OR EMOTIONAL abilities; SKILLS; interests; ~~and~~ aptitudes; AND
14 NEUROPSYCHOLOGICAL FUNCTIONING;

15 (b) ~~Neuropsychological tests, assessments, diagnoses, and~~
16 ~~treatment of neuropsychological and brain disorders~~ COUNSELING,
17 PSYCHOANALYSIS, PSYCHOTHERAPY, HYPNOSIS, BIOFEEDBACK, AND
18 BEHAVIOR ANALYSIS AND THERAPY;

19 (c) ~~Psychotherapy, which may include psychoanalytic, existential,~~
20 ~~cognitive, and behavioral therapies, hypnosis, and biofeedback~~
21 DIAGNOSIS, TREATMENT, AND MANAGEMENT OF MENTAL AND EMOTIONAL
22 DISORDER OR DISABILITY, SUBSTANCE USE DISORDERS, DISORDERS OF
23 HABIT OR CONDUCT, AS WELL AS OF THE PSYCHOLOGICAL ASPECTS OF
24 PHYSICAL ILLNESS, ACCIDENT, INJURY, OR DISABILITY;

25 (d) ~~Clinical and counseling psychology, which are the sciences of~~
26 ~~diagnosis and treatment of mental, neurological, psychophysiological, and~~
27 ~~emotional disorder or disability, alcoholism and substance abuse,~~

1 ~~behavioral abuse including dangerousness to self or others, and disorders~~
2 ~~of habit or conduct~~ PSYCHOEDUCATIONAL EVALUATION, THERAPY, AND
3 REMEDIATION;

4 (e) ~~Rehabilitation psychology, which is the science of psychology~~
5 ~~dealing with the psychological aspects of physical illness, accident,~~
6 ~~injury, or disability and rehabilitation therefrom~~ CONSULTATION WITH
7 PHYSICIANS, OTHER HEALTH CARE PROFESSIONALS, AND PATIENTS
8 REGARDING ALL AVAILABLE TREATMENT OPTIONS WITH RESPECT TO
9 PROVISION OF CARE FOR A SPECIFIC PATIENT OR CLIENT;

10 (f) ~~Health psychology, which is the science of psychology dealing~~
11 ~~with the role of psychological factors in health and illness~~ THE PROVISION
12 OF DIRECT SERVICES TO INDIVIDUALS OR GROUPS FOR THE PURPOSE OF
13 ENHANCING INDIVIDUAL AND THEREBY ORGANIZATIONAL EFFECTIVENESS,
14 USING PSYCHOLOGICAL PRINCIPLES, METHODS, OR PROCEDURES TO ASSESS
15 AND EVALUATE INDIVIDUALS ON PERSONAL CHARACTERISTICS FOR
16 INDIVIDUAL DEVELOPMENT OR BEHAVIOR CHANGE OR FOR MAKING
17 DECISIONS ABOUT THE INDIVIDUAL, SUCH AS SELECTION; AND

18 (g) ~~Forensic psychology, which is the science of psychology that~~
19 ~~deals with the relation and application of psychological research and~~
20 ~~knowledge to legal issues, including, but not limited to, assessments of~~
21 ~~competency in civil or criminal matters, legal questions of sanity, or civil~~
22 ~~commitment proceedings;~~ THE SUPERVISION OF ANY OF THE PRACTICES
23 DESCRIBED IN THIS SUBSECTION (2).

24 (h) ~~Organizational psychology, which is the science of assessment~~
25 ~~and intervention by an employee within his or her organization or by a~~
26 ~~consultant retained by such organization;~~

27 (i) ~~Community psychology, which is the science of psychology~~

1 ~~emphasizing prevention and early discovery of potential difficulties,~~
2 ~~rather than awaiting initiation of therapy by affected individuals or~~
3 ~~groups, and which is generally practiced outside of an office setting;~~

4 (j) ~~Sports psychology, which is the science of psychology dealing~~
5 ~~with enhancement of athletic performance utilizing principles of~~
6 ~~psychological research, assessment, and knowledge;~~

7 (k) ~~Psychoeducational evaluation, therapy, remediation, and~~
8 ~~consultation; and~~

9 (l) ~~Research psychology, which is the application of research~~
10 ~~methodologies, statistics, and experimental design to psychological data.~~

11 **SECTION 41.** 12-43-306 (6), Colorado Revised Statutes, is
12 amended to read:

13 **12-43-306. Exemptions.** (6) Nothing in this part 3 ~~shall be~~
14 ~~construed to prevent~~ PREVENTS the practice of psychotherapy by
15 ~~unlicensed persons who are listed~~ REGISTERED with the state grievance
16 board pursuant to section 12-43-702.5.

17 **SECTION 42.** 12-43-401 (8), Colorado Revised Statutes, is
18 amended to read:

19 **12-43-401. Definitions.** As used in this part 4, unless the context
20 otherwise requires:

21 (8) "Licensed social worker" means a person licensed under ~~the~~
22 ~~provisions of this part 4~~ AS A LICENSED SOCIAL WORKER.

23 **SECTION 43.** 12-43-402 (2), the introductory portion to
24 12-43-402 (3) (b), and 12-43-402 (3) (b) (II), Colorado Revised Statutes,
25 are amended, and the said 12-43-402 is further amended BY THE
26 ADDITION OF A NEW SUBSECTION, to read:

27 **12-43-402. State board of social work examiners.** (2) (a) Three

1 FOUR board members shall be licensed clinical social workers, at least
2 two of whom shall be engaged in direct social work practice; except that,
3 if, after a good-faith attempt, the governor determines that an applicant
4 for membership on the board pursuant to this paragraph (a) who is
5 engaged in direct social work practice is not available to serve on the
6 board for a particular term, the governor may appoint a licensed clinical
7 social worker who is not engaged in direct social work practice.

8 (b) ~~Four~~ THREE board members shall be representatives of the
9 general public. These individuals shall have never been a social worker,
10 an applicant or former applicant for licensure as a social worker, a
11 member of another mental health profession, or a member of a household
12 that includes a social worker or a member of another mental health
13 profession or otherwise have conflicts of interest or the appearance of
14 such conflicts with his or her duties as a board member.

15 (3) (b) The terms of office of the members on the board ~~as of~~
16 ~~August 3, 2007, shall be~~ ARE modified as follows in order to ensure
17 staggered terms of office:

18 (II) The initial term of office of one of the board members
19 representing the general public whose initial term would otherwise expire
20 on July 25, 2010, ~~shall expire~~ EXPIRES on June 30, 2008, and the board
21 member ~~shall be~~ IS eligible to serve one additional four-year term
22 commencing on July 1, 2008, and expiring on June 30, 2012. On and
23 after the expiration of this board member's term ~~persons appointed~~ OR A
24 VACANCY IN THIS POSITION, THE GOVERNOR SHALL APPOINT A LICENSED
25 CLINICAL SOCIAL WORKER to this position on the board, ~~shall~~ WHO IS
26 ELIGIBLE TO serve terms as described in paragraph (a) of this subsection
27 (3) commencing on July 1 of the applicable year.

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(7) WHEN PROFESSIONAL JUDGMENT SPECIFIC TO CLINICAL PRACTICE IS REQUIRED IN THE REVIEW OF ALLEGED VIOLATIONS OF SECTION 12-43-222, THE BOARD MAY APPOINT AN ADVISORY COMMITTEE OF CLINICAL PRACTITIONERS TO REVIEW AND MAKE RECOMMENDATIONS TO THE BOARD.

==
SECTION 44. 12-43-403 (1), (2) (t), and (2) (u), Colorado Revised Statutes, are amended, and the said 12-43-403 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

(2) Professional social work practice may include, but is not limited to:

- (t) Psychotherapy; ~~and~~
- (u) Consultation, supervision, and teaching in higher education;

1 AND

2 (v) COUNSELING.

3 **SECTION 45.** 12-43-405 (1) and (2), Colorado Revised Statutes,
4 are amended to read:

5 **12-43-405. Rights and privileges of licensure and a social work**
6 **degree.** (1) Any person who possesses a valid, unsuspended, and
7 unrevoked ~~certificate~~ LICENSE as a ~~licensed~~ social worker ~~and who has~~
8 ~~received a license~~ THAT WAS ISSUED pursuant to section 12-43-404 has the
9 right to practice social work under supervision and use the title "licensed
10 social worker", "social worker", and the abbreviation "LSW". No other
11 person shall assume these titles or use these abbreviations on any work or
12 letter, sign, figure, or device to indicate that the person using the same is
13 a licensed social worker or a social worker.

14 (2) Any person who possesses a valid, unsuspended, and
15 unrevoked ~~certificate~~ LICENSE as a ~~licensed~~ clinical social worker ~~whose~~
16 ~~license~~ THAT was granted pursuant to ~~the provisions of~~ section 12-43-404
17 is entitled to engage in the private, independent practice of clinical social
18 work and has the right to practice and supervise clinical social work
19 practice and use the title "licensed clinical social worker", "clinical social
20 worker", "social worker", or "licensed social worker", and the
21 abbreviation "LCSW". No other person shall assume these titles or use
22 these abbreviations on any work or letter, sign, figure, or device to
23 indicate that the person using the same is a licensed clinical social worker
24 or social worker.

25 **SECTION 46.** 12-43-406 (2) and (5), Colorado Revised Statutes,
26 are amended to read:

27 **12-43-406. Scope of part.** (2) No person may state that he or she

1 is engaged in the practice of social work as a social worker, or refer to
2 himself or herself as a social worker, unless ~~such~~ THE person is licensed
3 ~~or registered~~ pursuant to this part 4 or possesses an earned social work
4 degree, as defined in section 12-43-401 (11). No person may practice as
5 a clinical social worker unless licensed pursuant to section 12-43-404 (2)
6 or licensed ~~or registered~~ to practice social work and supervised pursuant
7 to section 12-43-404 (1) or (2).

8 (5) Nothing in this part 4 ~~shall be construed to prevent~~ PREVENTS
9 the practice of psychotherapy by ~~unlicensed~~ persons ~~who are listed~~
10 REGISTERED with the state grievance board pursuant to section
11 12-43-702.5.

12 **SECTION 47. Repeal.** 12-43-408 (1), Colorado Revised
13 Statutes, is repealed as follows:

14 **12-43-408. School social workers.** (1) ~~Any person who holds a~~
15 ~~valid master's degree in social work and has obtained the special services~~
16 ~~license with social work endorsement issued by the department of~~
17 ~~education pursuant to the "Colorado Educator Licensing Act of 1991",~~
18 ~~article 60.5 of title 22, C.R.S., shall be issued the "LISW" certificate upon~~
19 ~~application and payment of said fees and shall be subject to the provisions~~
20 ~~of this article.~~

21 **SECTION 48.** 12-43-409, Colorado Revised Statutes, is amended
22 to read:

23 **12-43-409. Clinical social work practice of psychotherapy.** For
24 the purpose of licensure, the practice, UNDER THIS PART 4, of
25 psychotherapy ~~under this part 4 shall be~~ AND OTHER CLINICAL ACTIVITIES
26 WITHIN THE DEFINITION OF SOCIAL WORK PRACTICE IN SECTION 12-43-403
27 IS limited to licensed clinical social workers or licensed social workers

1 supervised by licensed clinical social workers.

2 **SECTION 49.** 12-43-410, Colorado Revised Statutes, is amended
3 to read:

4 **12-43-410. Employees of social services.** (1) Notwithstanding
5 the exemption in section 12-43-215 (3), ~~no~~ AN employee of the
6 department of human services, employee of a county department of social
7 services, or personnel under the direct control or supervision of such
8 departments, shall NOT state that he or she is engaged in the practice of
9 social work as a social worker or refer to himself or herself as a social
10 worker unless ~~such~~ THE person is licensed ~~or registered~~ pursuant to this
11 part 4 or possesses an earned social work degree, as defined in section
12 12-43-401 (11).

13 (2) Notwithstanding the exemption in section 12-43-215 (3), any
14 employee licensed ~~or registered~~ pursuant to ~~the provisions of~~ this article
15 who is terminated from employment by the department of human services
16 or a county department of social services is subject to review and
17 disciplinary action by the board that licenses ~~registers~~, or regulates ~~such~~
18 THE employee.

19 (3) An employee of the state department of human services or a
20 county department of social services who has earned a ~~bachelor's or~~
21 master's degree in social work may apply to the board, for purposes
22 related to licensure under this part 4, for approval for supervision by a
23 person other than a licensed clinical social worker. The board shall
24 consider input from representatives of the state department of human
25 services and the county departments of social services when promulgating
26 the rule concerning what qualifications or experience a person is required
27 to possess in order to supervise an employee pursuant to this subsection

1 (3).

2 **SECTION 50.** 12-43-502 (2) (a), the introductory portion to
3 12-43-502 (4) (b), and 12-43-502 (4) (b) (III), Colorado Revised Statutes,
4 are amended to read:

5 **12-43-502. State board of marriage and family therapist**
6 **examiners.** (2) (a) The members of the board shall be appointed by the
7 governor as follows:

8 (I) ~~Four~~ THREE members of the general public who are not
9 regulated by this article; and

10 (II) ~~Three~~ FOUR marriage and family therapists.

11 (4) (b) The terms of office of the members on the board ~~as of~~
12 ~~August 3, 2007, shall be~~ ARE modified as follows in order to ensure
13 staggered terms of office:

14 (III) The term of office of the one board member representing the
15 general public who, as of August 12, 2009, would have served one full
16 four-year term and one partial four-year term ~~shall expire~~ EXPIRES on July
17 31, 2009. This board member ~~shall be~~ IS eligible to serve one additional
18 four-year term commencing on August 1, 2009, and expiring on July 31,
19 2013. On and after the expiration of this board member's term ~~persons~~
20 ~~appointed~~ OR A VACANCY IN THIS POSITION, THE GOVERNOR SHALL
21 APPOINT A MARRIAGE AND FAMILY THERAPIST to this position on the
22 board, ~~shall~~ WHO IS ELIGIBLE TO serve terms as described in paragraph (a)
23 of this subsection (4) commencing on August 1 of the applicable year.

24 **SECTION 51.** 12-43-505 (5), Colorado Revised Statutes, is
25 amended to read:

26 **12-43-505. Rights and privileges of licensure and registration.**

27 (5) Nothing in this part 5 ~~shall be construed to prevent~~ PREVENTS the

1 practice of psychotherapy by ~~unlicensed persons who are listed~~
2 REGISTERED with the state grievance board pursuant to section
3 12-43-702.5.

4 **SECTION 52.** 12-43-601 (2), (4), and (5), Colorado Revised
5 Statutes, are amended to read:

6 **12-43-601. Definitions.** As used in this part 6, unless the context
7 otherwise requires:

8 (2) ~~"Clinical mental health counseling" includes:~~

9 ~~(a) Assessment, counseling activities, consultation, and referral;~~
10 ~~and~~

11 ~~(b) Treatment, diagnosis, testing, assessment, psychotherapy, or~~
12 ~~counseling in a professional relationship to assist individuals or groups~~
13 ~~to alleviate mental and emotional disorders, understand unconscious or~~
14 ~~conscious motivation, resolve emotional, relationship, or attitudinal~~
15 ~~conflicts, or modify behaviors that interfere with effective emotional,~~
16 ~~social, or intellectual functioning.~~

17 (4) "Licensed professional counselor" means a professional
18 counselor who practices professional counseling ~~or mental health~~
19 ~~counseling~~ and who is licensed pursuant to this part 6.

20 (5) (a) ~~"Professional counseling" means:~~

21 ~~(I) Those activities that assist the person receiving counseling in~~
22 ~~developing an understanding of personal, emotional, social, educational,~~
23 ~~alcohol and substance abuse, domestic violence, and vocational~~
24 ~~development and in planning and effecting actions to increase functioning~~
25 ~~or gain control of his or her behavior in such areas. Such activities~~
26 ~~include, but are not limited to, skill-building in communications,~~
27 ~~decision-making, and problem-solving, clarifying values, promoting~~

1 adaptation to loss and other life changes, developing social skills,
2 restructuring cognitive patterns, defining educational and career goals,
3 and facilitating adjustment to personal crises and conflicts.

4 (H) The selecting, administering, scoring, and interpreting of
5 instruments designed to measure aptitudes, attitudes, abilities,
6 achievements, interests, emotions, and other personal characteristics and
7 includes the application of nonstandardized methods, such as interviews,
8 to evaluate a person receiving counseling and to evaluate such personal
9 and social functioning;

10 (HH) A voluntary relationship between a counselor and a client in
11 which the counselor assists a person, couple, group, or organization to
12 cope with matters that include relationships, conflicts, problem-solving,
13 decision-making, and competencies by interpreting, reporting on, or
14 applying counseling theory;

15 (IV) Rendering of or offering to render counseling services that
16 facilitate effective personal, emotional, social, educational, and vocational
17 development in individuals, couples, groups, and organizations, with an
18 emphasis on the natural aspects of human development and with an
19 educational orientation.

20 (b) Professional counseling follows a planned procedure of
21 intervention that takes place on a regular basis, over a period of time, or
22 in the cases of testing, assessment, and brief professional counseling, it
23 can be a single intervention.

24 **SECTION 53.** 12-43-602 (2) (a), the introductory portion to
25 12-43-602 (4) (b), and 12-43-602 (4) (b) (II), Colorado Revised Statutes,
26 are amended to read:

27 **12-43-602. State board of licensed professional counselor**

1 **examiners.** (2) (a) The members of the board shall be appointed by the
2 governor as follows:

3 (I) ~~Four~~ THREE members of the general public who are not
4 regulated under this article; and

5 (II) ~~Three~~ FOUR licensed professional counselors.

6 (4) (b) The terms of office of the members on the board ~~as of~~
7 ~~August 3, 2007, shall be~~ ARE modified as follows in order to ensure
8 staggered terms of office:

9 (II) The term of office of the one board member representing the
10 public whose initial term would otherwise expire on September 12, 2009,
11 ~~shall expire~~ EXPIRES on August 31, 2009, and the board member ~~shall be~~
12 IS eligible to serve one additional four-year term, commencing on
13 September 1, 2009, and expiring on August 31, 2013. On and after the
14 expiration of this board member's term ~~persons appointed~~ OR A VACANCY
15 IN THIS POSITION, THE GOVERNOR SHALL APPOINT A LICENSED
16 PROFESSIONAL COUNSELOR to this position on the board, ~~shall~~ WHO IS
17 ELIGIBLE TO serve terms as described in paragraph (a) of this subsection
18 (4) commencing on September 1 of the applicable year.

19 **SECTION 54.** Part 6 of article 43 of title 12, Colorado Revised
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
21 read:

22 **12-43-602.5. Practice of licensed professional counseling**
23 **defined.** (1) FOR PURPOSES OF THIS PART 6, "PRACTICE OF LICENSED
24 PROFESSIONAL COUNSELING" MEANS THE APPLICATION OF MENTAL
25 HEALTH, PSYCHOLOGICAL, OR HUMAN DEVELOPMENT PRINCIPLES
26 THROUGH COGNITIVE, AFFECTIVE, BEHAVIORAL, OR SYSTEMATIC
27 INTERVENTION STRATEGIES THAT ADDRESS WELLNESS, PERSONAL

1 GROWTH, OR CAREER DEVELOPMENT, AS WELL AS PATHOLOGY. A
2 LICENSED PROFESSIONAL COUNSELOR MAY RENDER THE APPLICATION OF
3 THESE PRINCIPLES TO INDIVIDUALS, COUPLES, FAMILIES, OR GROUPS.

- 4 (2) THE PRACTICE OF PROFESSIONAL COUNSELING MAY INCLUDE:
5 (a) EVALUATION;
6 (b) ASSESSMENT;
7 (c) TESTING;
8 (d) DIAGNOSIS;
9 (e) TREATMENT OR INTERVENTION;
10 (f) PLANNING;
11 (g) CONSULTATION;
12 (h) CASE MANAGEMENT;
13 (i) EDUCATION;
14 (j) SUPERVISION;
15 (k) CONSULTATION;
16 (l) RESEARCH;
17 (m) REFERRAL; AND
18 (n) CRISIS INTERVENTION.

19 **SECTION 55.** 12-43-604 (1), (2), and (4), Colorado Revised
20 Statutes, are amended to read:

21 **12-43-604. Rights and privileges of licensure.** (1) Any person
22 who possesses a valid, unsuspended, and unrevoked ~~certificate~~ LICENSE
23 as a licensed professional counselor has the right to use the title for which
24 he or she is licensed pursuant to section 12-43-603. A LICENSED
25 professional counselor licensed pursuant to section 12-43-603 has the
26 right to use the abbreviation "LPC". No other person shall assume this
27 title or use this abbreviation on any work or letter, sign, figure, or device

1 to indicate that the person using the same is a licensed professional
2 counselor.

3 (2) Any person duly licensed as a licensed professional counselor
4 ~~shall~~ IS not ~~be~~ required to obtain any other license or certification to
5 practice professional counseling ~~as defined in section 12-43-601~~ unless
6 otherwise required by the board of licensed professional counselor
7 examiners.

8 (4) Nothing in this part 6 ~~shall be construed to prevent~~ PREVENTS
9 the practice of psychotherapy by ~~unlicensed~~ persons ~~who are listed~~
10 REGISTERED with the state grievance board pursuant to section
11 12-43-702.5.

12 **SECTION 56.** 12-43-702 (2), (3), and (6), Colorado Revised
13 Statutes, are amended to read:

14 **12-43-702. State grievance board - creation - subject to**
15 **termination.** (2) ~~Four~~ THREE members of the grievance board shall be
16 appointed by the governor from the general public who are not regulated
17 by this article with a good faith effort to achieve broad-based
18 geographical representation. Such members ~~shall~~ ARE ELIGIBLE TO serve
19 terms of three years. ~~No such~~ A member ~~shall~~ MUST NOT have any direct
20 involvement or interest in the provision of psychotherapy; except that
21 such member may be or may have been a consumer of such services.

22 (3) ~~Three~~ FOUR members of the grievance board ~~shall~~ MUST be
23 ~~unlicensed~~ REGISTERED psychotherapists. ~~shall be appointed by~~ The
24 governor ~~and~~ shall APPOINT MEMBERS TO THE GRIEVANCE BOARD TO serve
25 terms of four years.

26 (6) (a) Each member ~~shall~~ IS ELIGIBLE TO hold office until the
27 expiration of his or her appointed term or until a successor is duly

1 appointed. When the term of each grievance board member expires, the
2 governor shall appoint his or her successor for a term of four years. Any
3 vacancy occurring in the grievance board membership other than by the
4 expiration of a term shall be filled by the governor by appointment for the
5 unexpired term of such member.

6 (b) FOR PURPOSES OF APPOINTMENTS TO THE BOARD MADE ON OR
7 AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, UPON THE
8 OCCURRENCE OF A VACANCY IN A POSITION HELD BY A MEMBER
9 REPRESENTING THE PUBLIC OR UPON THE EXPIRATION OF THE SECOND
10 TERM OF OFFICE OF A MEMBER REPRESENTING THE PUBLIC, WHICHEVER
11 OCCURS FIRST, THE GOVERNOR SHALL APPOINT A REGULATED
12 PSYCHOTHERAPIST TO THAT POSITION ON THE BOARD, WHO IS ELIGIBLE TO
13 SERVE TERMS AS DESCRIBED IN SUBSECTIONS (3) AND (5) OF THIS SECTION.

14 (c) The governor may remove any grievance board member for
15 misconduct, incompetence, or neglect of duty. Actions constituting
16 neglect of duty shall include, but not be limited to, the failure of board
17 members to attend three consecutive meetings or at least three-quarters
18 of the board's meetings in any one calendar year.

19 **SECTION 57.** 12-43-710, Colorado Revised Statutes, is amended
20 to read:

21 **12-43-710. Jurisdiction.** If the licensee, registrant, ~~or unlicensed~~
22 ~~psychotherapist~~ OR CERTIFICATE HOLDER is regulated by more than one
23 board, the investigation or case being adjudicated shall be referred to the
24 board as determined APPROPRIATE by the director ~~of the division of~~
25 ~~registrations~~ for final adjudication.

26 **SECTION 58. Repeal.** 12-43-711, Colorado Revised Statutes,
27 is repealed as follows:

1 **12-43-711. Records.** ~~The grievance board shall maintain records~~
2 ~~of all cases considered and decisions rendered by said board.~~

3 **SECTION 59.** 12-43-803, Colorado Revised Statutes, is
4 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

5 **12-43-803. Practice of addiction counseling defined - scope of**
6 **practice.** (1) FOR THE PURPOSES OF THIS PART 8, "ADDICTION
7 COUNSELING" MEANS THE APPLICATION OF GENERAL COUNSELING
8 THEORIES AND TREATMENT METHODS ADAPTED SPECIFICALLY FOR
9 WORKING WITH ADDICTIVE AND OTHER BEHAVIORAL HEALTH DISORDERS.
10 ADDICTION COUNSELORS WORK IN A BROAD VARIETY OF DISCIPLINES BUT
11 SHARE AN UNDERSTANDING OF THE ADDICTIVE PROCESS. AN ADDICTION
12 COUNSELOR IDENTIFIES A VARIETY OF HELPING STRATEGIES THAT CAN BE
13 TAILORED TO MEET THE NEEDS OF THE CLIENT. ADDICTION COUNSELING
14 RELIES ON THE USE OF EVIDENCE-BASED PRACTICES THAT HAVE BEEN
15 SHOWN TO BE EFFECTIVE IN TREATING ADDICTIVE DISORDERS.

16 (2) THE SCOPE OF PRACTICE OF ADDICTION COUNSELING FOCUSES
17 ON THE FOLLOWING FOUR TRANS-DISCIPLINARY FOUNDATIONS THAT
18 UNDERLIE THE WORK OF ALL ADDICTION COUNSELORS:

19 (a) **Understanding addiction:** INCLUDES KNOWLEDGE OF
20 MODELS AND THEORIES OF ADDICTION; RECOGNITION OF SOCIAL,
21 POLITICAL, ECONOMIC, AND CULTURAL CONTEXTS WITHIN WHICH
22 ADDICTION EXISTS; UNDERSTANDING THE BEHAVIORAL, PSYCHOLOGICAL,
23 PHYSICAL HEALTH, AND SOCIAL EFFECTS OF USING ADDICTIVE SUBSTANCES
24 OR ENGAGING IN ADDICTIVE BEHAVIORS; AND RECOGNIZING AND
25 UNDERSTANDING CO-OCCURRING DISORDERS.

26 (b) **Treatment knowledge:** INCLUDES THE PHILOSOPHIES,
27 PRACTICES, POLICIES, AND OUTCOMES OF THE MOST GENERALLY ACCEPTED

1 AND SCIENTIFICALLY SUPPORTED MODELS, ALONG WITH RESEARCH AND
2 OUTCOME DATA, OF TREATMENT, RECOVERY, RELAPSE PREVENTION, AND
3 CONTINUING CARE FOR ADDICTIVE DISORDERS. TREATMENT KNOWLEDGE
4 INCLUDES THE ABILITY TO WORK EFFECTIVELY WITH FAMILIES,
5 SIGNIFICANT OTHERS, SOCIAL NETWORKS, AND COMMUNITY SYSTEMS IN
6 THE TREATMENT PROCESS AND UNDERSTANDING THE VALUE OF A
7 MULTIDISCIPLINARY APPROACH TO ADDICTION TREATMENT.

8 (c) **Application to practice:** INCLUDES THE ABILITY TO PROPERLY
9 DIAGNOSE BEHAVIORAL HEALTH DISORDERS USING APPROPRIATE
10 ASSESSMENT AND TESTING INSTRUMENTS AND PLACEMENT CRITERIA;
11 STABILIZATION TO REDUCE NEGATIVE EFFECTS OF PROBLEMATIC
12 BEHAVIORS; DEVELOPING HELPING STRATEGIES AND TREATMENT LEVELS
13 OF CARE BASED ON THE CLIENT'S STAGE OF READINESS FOR CHANGE;
14 CULTURAL COMPETENCY; AND FAMILIARITY WITH MEDICAL AND
15 PHARMACOLOGICAL RESOURCES FOR TREATMENT.

16 (d) **Professional readiness:** INCLUDES AN UNDERSTANDING OF
17 DIVERSE CULTURES; CULTIVATION OF A HIGH LEVEL OF SELF-AWARENESS;
18 ABILITY TO USE CRITICAL THINKING SKILLS; ADHERENCE TO ETHICAL
19 STANDARDS OF CONDUCT; ONGOING USE OF CLINICAL SUPERVISION AND
20 CONSULTATION; CRISIS MANAGEMENT; AND KNOWLEDGE OF THE
21 IMPORTANCE OF PREVENTION AND RECOVERY MANAGEMENT.

22 (3) THE PRIMARY PRACTICE DIMENSIONS OF ADDICTION
23 COUNSELING INCLUDE THE FOLLOWING COMPETENCIES, AS APPROPRIATE
24 BASED ON THE LEVEL OF CERTIFICATION OR LICENSURE AND SCOPE OF
25 PRACTICE:

26 (a) CLINICAL EVALUATION, INCLUDING SCREENING AND
27 ASSESSMENT;

- 1 (b) CLINICAL INTAKE, DISCHARGE, DISCHARGE PLANNING, AND
2 REFERRAL;
- 3 (c) TREATMENT PLANNING;
- 4 (d) SERVICE COORDINATION, INCLUDING CLIENT ADVOCACY,
5 CONTINUING CARE PLANNING, AND COLLABORATION WITH OTHER
6 BEHAVIORAL HEALTH PROFESSIONALS;
- 7 (e) COUNSELING OF INDIVIDUALS, GROUPS, FAMILIES, COUPLES,
8 AND SIGNIFICANT OTHERS;
- 9 (f) RECOVERY MANAGEMENT;
- 10 (g) CASE MANAGEMENT;
- 11 (h) CLIENT, FAMILY, AND COMMUNITY EDUCATION;
- 12 (i) DOCUMENTATION REQUIRED FOR A CLINICAL RECORD;
- 13 (j) PROFESSIONAL AND ETHICAL PRACTICES;
- 14 (k) CLINICAL SUPERVISION; AND
- 15 (l) INTERVENTION.

16 (4) **Scope of practice - licensed addiction counselors.** BASED
17 ON EDUCATION, TRAINING, KNOWLEDGE, AND EXPERIENCE, THE SCOPE OF
18 PRACTICE OF A LICENSED ADDICTION COUNSELOR INCLUDES BEHAVIORAL
19 HEALTH COUNSELING AND MAY INCLUDE THE TREATMENT OF SUBSTANCE
20 USE DISORDERS, ADDICTIVE BEHAVIORAL DISORDERS, AND CO-OCCURRING
21 DISORDERS, INCLUDING CLINICAL EVALUATION AND DIAGNOSIS,
22 TREATMENT PLANNING, SERVICE COORDINATION, CASE MANAGEMENT,
23 CLINICAL DOCUMENTATION, PROFESSIONAL AND ETHICAL
24 RESPONSIBILITIES, EDUCATION AND PSYCHOTHERAPY WITH CLIENTS,
25 FAMILY, AND COMMUNITY, CLINICAL SUPERVISORY RESPONSIBILITIES,
26 AND INTERVENTION.

27 **SECTION 60.** 12-43-804, Colorado Revised Statutes, is

1 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

2 **12-43-804. Requirements for licensure and certification -**

3 **rules.** (1) THE BOARD SHALL ISSUE A LICENSE AS AN ADDICTION
4 COUNSELOR TO AN APPLICANT WHO FILES AN APPLICATION IN THE FORM
5 AND MANNER APPROVED BY THE BOARD, SUBMITS THE FEE REQUIRED BY
6 THE BOARD PURSUANT TO SECTION 12-43-204, AND SUBMITS EVIDENCE
7 SATISFACTORY TO THE BOARD THAT HE OR SHE:

8 (a) IS AT LEAST TWENTY-ONE YEARS OF AGE;

9 (b) IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE OR
10 ANY RULES PROMULGATED BY THE BOARD;

11 (c) HOLDS A MASTER'S OR DOCTORATE DEGREE IN THE
12 BEHAVIORAL HEALTH SCIENCES FROM AN ACCREDITED SCHOOL, COLLEGE,
13 OR UNIVERSITY OR AN EQUIVALENT PROGRAM AS DETERMINED BY THE
14 BOARD;

15 (d) HAS DEMONSTRATED PROFESSIONAL COMPETENCE BY:

16 (I) PASSING A NATIONAL EXAMINATION DEMONSTRATING SPECIAL
17 KNOWLEDGE AND SKILLS IN BEHAVIORAL HEALTH DISORDERS COUNSELING
18 AS DETERMINED BY THE DIVISION OF BEHAVIORAL HEALTH IN THE
19 DEPARTMENT OF HUMAN SERVICES AND APPROVED BY THE BOARD; AND

20 (II) PASSING A WRITTEN, COMPUTER-BASED OR MAIL-IN
21 JURISPRUDENCE EXAMINATION ADMINISTERED BY THE DEPARTMENT OF
22 REGULATORY AGENCIES;

23 (e) HAS MET THE REQUIREMENTS FOR A CERTIFICATE OF
24 ADDICTION COUNSELING, LEVEL III;

25 (f) HAS COMPLETED AT LEAST THREE HUNDRED CLOCK HOURS OF
26 ADDICTION-SPECIFIC TRAINING, INCLUDING TRAINING IN EVIDENCE-BASED
27 TREATMENT APPROACHES, CLINICAL SUPERVISION, ETHICS, AND

1 CO-OCCURRING DISORDERS; AND

2 (g) HAS COMPLETED AT LEAST FIVE THOUSAND HOURS OF
3 CLINICALLY SUPERVISED WORK EXPERIENCE.

4 (2) THE BOARD SHALL ISSUE A CERTIFICATION AS AN ADDICTION
5 COUNSELOR TO AN APPLICANT WHO FILES AN APPLICATION IN THE FORM
6 AND MANNER APPROVED BY THE BOARD, SUBMITS THE FEE REQUIRED BY
7 THE BOARD PURSUANT TO SECTION 12-43-204, AND SUBMITS EVIDENCE
8 SATISFACTORY TO THE BOARD THAT HE OR SHE:

9 (a) IS AT LEAST EIGHTEEN YEARS OF AGE;

10 (b) IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE OR
11 ANY RULES PROMULGATED BY THE BOARD OR BY THE STATE BOARD OF
12 HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES;

13 (c) HAS MET THE REQUIREMENTS FOR CERTIFICATION AT A
14 PARTICULAR CERTIFICATION LEVEL AS SPECIFIED IN RULES ADOPTED
15 PURSUANT TO SUBSECTION (3) OF THIS SECTION BY THE STATE BOARD OF
16 HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES.

17 (3) THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT
18 OF HUMAN SERVICES SHALL PROMULGATE RULES, WITH APPROVAL OF THE
19 BOARD, FOR CERTIFICATION OF ADDICTION COUNSELORS.

20 (4) NOTHING IN THIS PART 8 PREVENTS MEMBERS OF OTHER
21 PROFESSIONS LICENSED UNDER THE LAWS OF THIS STATE FROM RENDERING
22 SERVICES WITHIN THEIR SCOPE OF PRACTICE AS SET FORTH IN THE
23 STATUTES REGULATING THEIR PROFESSIONAL PRACTICES SO LONG AS THEY
24 DO NOT REPRESENT THEMSELVES TO BE CERTIFIED OR LICENSED
25 ADDICTION COUNSELORS.

26 **SECTION 61.** Part 8 of article 43 of title 12, Colorado Revised
27 Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

2 **12-43-804.5. Rights and privileges of certification and**
3 **licensure.** (1) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND
4 UNREVOKED CERTIFICATE AS A LEVEL I, II, OR III CERTIFIED ADDICTION
5 COUNSELOR HAS THE RIGHT TO PRACTICE ADDICTION COUNSELING UNDER
6 SUPERVISION OR CONSULTATION AS REQUIRED BY THE RULES OF THE STATE
7 BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES; A
8 LEVEL III CERTIFIED ADDICTION COUNSELOR HAS THE RIGHT TO SUPERVISE
9 ADDICTION COUNSELING PRACTICE; AND ALL LEVELS OF CERTIFICATION
10 HAVE THE RIGHT TO USE THE TITLE "CERTIFIED ADDICTION COUNSELOR"
11 AND THE ABBREVIATIONS "CAC I", "CAC II", OR "CAC III", AS
12 APPLICABLE. NO OTHER PERSON SHALL ASSUME THESE TITLES OR USE
13 THESE ABBREVIATIONS ON ANY WORK OR MEDIA TO INDICATE THAT THE
14 PERSON USING THE TITLE OR ABBREVIATION IS A CERTIFIED ADDICTION
15 COUNSELOR.

16 (2) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND
17 UNREVOKED LICENSE AS AN ADDICTION COUNSELOR HAS THE RIGHT TO
18 PRACTICE ADDICTION COUNSELING AND TO USE THE TITLE "LICENSED
19 ADDICTION COUNSELOR" OR THE ABBREVIATION "LAC". NO OTHER
20 PERSON SHALL ASSUME THESE TITLES OR USE THESE ABBREVIATIONS ON
21 ANY WORK OR MEDIA TO INDICATE THAT THE PERSON USING THE TITLE OR
22 ABBREVIATION IS A LICENSED ADDICTION COUNSELOR.

23 **SECTION 62.** 12-43-805 (1), (2) (a), and (3), Colorado Revised
24 Statutes, are amended to read:

25 **12-43-805. Continuing professional competency - rules -**
26 **repeal.** (1) (a) In accordance with sections 12-43-803 and 12-43-804,
27 the ~~director~~ BOARD issues a license or certificate to practice addiction

1 counseling based on whether the applicant satisfies minimum educational
2 and experience requirements that demonstrate professional competency
3 to practice addiction counseling. After a license or a certificate as a
4 LEVEL I, level II, or level III addiction counselor is issued to an applicant,
5 the licensed or LEVEL I, level II, or level III certified addiction counselor
6 shall maintain continuing professional competency to practice addiction
7 counseling.

8 (b) ~~The director~~ BOARD, in consultation with the ~~alcohol and drug~~
9 ~~abuse~~ division OF BEHAVIORAL HEALTH in the department of human
10 services and other stakeholders, shall adopt rules establishing a
11 continuing professional competency program that includes, at a minimum,
12 the following elements:

13 (I) A self-assessment of the knowledge and skills of a licensed or
14 LEVEL I, level II, or level III certified addiction counselor seeking to
15 renew or reinstate a license;

16 (II) Development, execution, and documentation of a learning
17 plan based on the assessment; and

18 (III) Periodic demonstration of knowledge and skills through
19 documentation of activities necessary to ensure at least minimal ability to
20 safely practice the profession. Nothing in this subparagraph (III) shall
21 require a licensed or LEVEL I, level II, or level III certified addiction
22 counselor to retake any examination required pursuant to section
23 12-43-804 in connection with initial licensure or certification.

24 (c) ~~The director shall establish that~~ A licensed or LEVEL I, level II,
25 or level III certified addiction counselor ~~is deemed to satisfy~~ SATISFIES the
26 continuing competency requirements of this section if the licensed or
27 LEVEL I, level II, or level III certified addiction counselor meets the

1 continued professional competence requirements of one of the following
2 entities:

3 (I) A state department, including continued professional
4 competence requirements imposed through a contractual arrangement
5 with a provider;

6 (II) An accrediting body recognized by the ~~director~~ BOARD; or

7 (III) An entity approved by the ~~director~~ BOARD.

8 (d) (I) After the program is established, a licensed or LEVEL I,
9 level II, or level III certified addiction counselor shall satisfy the
10 requirements of the program in order to renew or reinstate a license or
11 certificate to practice addiction counseling in Colorado.

12 (II) The requirements of this section apply to individual addiction
13 counselors who are licensed or LEVEL I, level II, or level III certified
14 pursuant to this part 8, and nothing in this section shall be construed to
15 require a person who employs or contracts with a licensed or LEVEL I,
16 level II, or level III certified addiction counselor to comply with the
17 requirements of this section.

18 (2) (a) Records of assessments or other documentation developed
19 or submitted in connection with the continuing professional competency
20 program are confidential and not subject to inspection by the public or
21 discovery in connection with a civil action against a licensed or certified
22 addiction counselor. The records or documents shall be used only by the
23 board for purposes of determining whether a licensed or LEVEL I, level II,
24 or level III certified addiction counselor is maintaining continuing
25 professional competency to engage in the profession.

26 (3) As used in this section, "continuing professional competency"
27 means the ongoing ability of a licensed or LEVEL I, level II, or level III

1 certified addiction counselor to learn, integrate, and apply the knowledge,
2 skill, and judgment to practice as an addiction counselor according to
3 generally accepted industry standards and professional ethical standards
4 in a designated role and setting.

5

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6 **SECTION 63.** The introductory portion to 13-4-102 (2) and
7 13-4-102 (2) (s), Colorado Revised Statutes, are amended to read:

8 **13-4-102. Jurisdiction.** (2) The court of appeals ~~shall have~~ HAS
9 initial jurisdiction to:

10 (s) Review final actions and orders of the boards, as defined in
11 section 12-43-201 (1), C.R.S., that are appropriate for judicial review and
12 final actions; ~~and orders of the director of the division of registrations~~
13 ~~pertaining to addiction counselors pursuant to part 8 of article 43 of title~~
14 ~~12, C.R.S., that are appropriate for judicial review;~~

15 **SECTION 64.** 13-21-115.5 (3) (c) (II) (P) and (3) (c) (II) (S),
16 Colorado Revised Statutes, are amended to read:

17 **13-21-115.5. Volunteer service act - immunity - exception for**
18 **operation of motor vehicles.** (3) As used in this section, unless the
19 context otherwise requires:

20 (c) (II) "Volunteer" includes:

21 (P) A licensed professional counselor governed by ~~the provisions~~
22 ~~of article 43 of title 12, C.R.S., performing~~ PRACTICING professional
23 counseling as defined in section ~~12-43-601 (5);~~ 12-43-602.5, C.R.S., as
24 a volunteer for a nonprofit organization, a nonprofit corporation, a
25 governmental entity, or a hospital;

26 (S) A licensed or certified addiction counselor governed by ~~the~~
27 ~~provisions of article 43 of title 12, C.R.S., performing~~ addiction

1 counseling, as defined in section ~~12-43-802~~ 12-43-803, C.R.S., as a
2 volunteer for a nonprofit organization, a nonprofit corporation, a
3 governmental entity, or a hospital.

4 **SECTION 65.** 13-90-107 (1) (g), Colorado Revised Statutes, is
5 amended to read:

6 **13-90-107. Who may not testify without consent.** (1) There are
7 particular relations in which it is the policy of the law to encourage
8 confidence and to preserve it inviolate; therefore, a person shall not be
9 examined as a witness in the following cases:

10 (g) A licensed psychologist, professional counselor, marriage and
11 family therapist, social worker, ~~unlicensed~~ OR ADDICTION COUNSELOR, A
12 REGISTERED psychotherapist, or ~~licensed~~ A CERTIFIED addiction counselor
13 shall not be examined without the consent of ~~such~~ THE licensee's,
14 CERTIFICATE HOLDER'S, or ~~unlicensed psychotherapist's~~ REGISTRANT'S
15 client as to any communication made by the client to ~~such~~ THE licensee,
16 ~~or unlicensed psychotherapist~~ CERTIFICATE HOLDER, OR REGISTRANT or
17 ~~such~~ THE licensee's, CERTIFICATE HOLDER'S, or ~~unlicensed~~
18 ~~psychotherapist's~~ REGISTRANT'S advice given ~~thereon~~ in the course of
19 professional employment; nor shall any secretary, stenographer, or clerk
20 employed by a licensed psychologist, professional counselor, marriage
21 and family therapist, social worker, ~~unlicensed~~ OR ADDICTION
22 COUNSELOR, A REGISTERED psychotherapist, or ~~licensed~~ A CERTIFIED
23 addiction counselor be examined without the consent of the employer of
24 ~~such~~ THE secretary, stenographer, or clerk concerning any fact, the
25 knowledge of which ~~such~~ THE employee has acquired in such capacity;
26 nor shall any person who has participated in any psychotherapy,
27 conducted under the supervision of a person authorized by law to conduct

1 such therapy, including ~~but not limited to~~ group therapy sessions, be
2 examined concerning any knowledge gained during the course of such
3 therapy without the consent of the person to whom the testimony sought
4 relates.

5 **SECTION 66.** The introductory portion to 18-3-405.5 (4) and
6 18-3-405.5 (4) (b), Colorado Revised Statutes, are amended to read:

7 **18-3-405.5. Sexual assault on a client by a psychotherapist.**

8 (4) As used in this section, unless the context ~~requires otherwise~~
9 OTHERWISE REQUIRES:

10 (b) "Psychotherapist" means any person who performs or purports
11 to perform psychotherapy, whether ~~or not such~~ THE person is licensed OR
12 REGISTERED by the state pursuant to title 12, C.R.S., or certified by the
13 state pursuant to part 5 of article 1 of title 25, C.R.S.

14 **SECTION 67.** The introductory portion to 19-1-307 (2) (e.5) (I)
15 and 19-1-307 (2) (e.5) (I) (G), Colorado Revised Statutes, are amended
16 to read:

17 **19-1-307. Dependency and neglect records and information -**
18 **access - fee - rules - records and reports fund - misuse of information**
19 **- penalty. (2) Records and reports - access to certain persons -**
20 **agencies.** Except as otherwise provided in section 19-1-303, only the
21 following persons or agencies shall be given access to child abuse or
22 neglect records and reports:

23 (e.5) (I) A mandatory reporter specified in this subparagraph (I)
24 who is and continues to be officially and professionally involved in the
25 ongoing care of the child who was the subject of the report, but only with
26 regard to information that the mandatory reporter has a need to know in
27 order to fulfill his or her professional and official role in maintaining the

1 child's safety. A county department may request written affirmation from
2 a mandatory reporter stating that the reporter continues to be officially
3 and professionally involved in the ongoing care of the child who was the
4 subject of the report and describing the nature of the involvement. This
5 subparagraph (I) ~~shall apply~~ APPLIES to:

6 (G) ~~Unlicensed~~ REGISTERED psychotherapists;

7 **SECTION 68.** The introductory portion to 19-3-304 (2) and
8 19-3-304 (2) (z), Colorado Revised Statutes, are amended to read:

9 **19-3-304. Persons required to report child abuse or neglect.**

10 (2) Persons required to report such abuse or neglect or circumstances or
11 conditions ~~shall include~~ INCLUDES any:

12 (z) ~~Unlicensed~~ REGISTERED psychotherapists;

13 **SECTION 69.** 24-34-110 (3) (a) (XVII), (3) (a) (XVIII), and (3)
14 (b), Colorado Revised Statutes, are amended, and the said 24-34-110 (3)
15 (a) is further amended BY THE ADDITION OF A NEW
16 SUBPARAGRAPH, to read:

17 **24-34-110. Medical transparency act of 2010 - disclosure of**
18 **information about health care licensees - fines - rules - short title -**
19 **legislative declaration.** (3) (a) As used in this section, "applicant"
20 means a person applying for a new, active license, certification, or
21 registration or to renew, reinstate, or reactivate an active license,
22 certification, or registration to practice:

23 (XVII) Professional counseling pursuant to part 6 of article 43 of
24 title 12, C.R.S.; and

25 (XVIII) ~~Addiction counseling pursuant to part 8 of article 43 of~~
26 ~~title 12, C.R.S.~~ PSYCHOTHERAPY PURSUANT TO PART 7 OF ARTICLE 43 OF
27 TITLE 12, C.R.S.; AND

1 (XIX) ADDICTION COUNSELING PURSUANT TO PART 8 OF ARTICLE
2 43 OF TITLE 12, C.R.S.

3 (b) ~~"Applicant" includes an unlicensed therapist engaged in the~~
4 ~~practice of psychotherapy who is obligated to comply with recording~~
5 ~~requirements pursuant to section 12-43-702.5, C.R.S.~~

6 **SECTION 70.** 27-65-105 (1) (a) (II) (D), Colorado Revised
7 Statutes, is amended to read:

8 **27-65-105. Emergency procedure.** (1) Emergency procedure
9 may be invoked under either one of the following two conditions:

10 (a) (II) The following persons may effect a seventy-two-hour hold
11 as provided in subparagraph (I) of this paragraph (a):

12 (D) A licensed marriage and family therapist, ~~or~~ licensed
13 professional counselor, OR ADDICTION COUNSELOR licensed under ~~the~~
14 ~~provisions of part 5, or 6, OR 8 of article 43 of title 12, C.R.S., or an~~
15 ~~addiction counselor licensed pursuant to section 12-43-804 (3), C.R.S.,~~
16 who by reason of postgraduate education and additional preparation has
17 gained knowledge, judgment, and skill in psychiatric or clinical mental
18 health therapy, forensic psychotherapy, or the evaluation of mental
19 disorders; or

20 **SECTION 71.** The introductory portion to 30-10-606 (6) (a) and
21 30-10-606 (6) (a) (II), Colorado Revised Statutes, are amended to read:

22 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**
23 **certificate of death.** (6) (a) Notwithstanding ~~the provisions of~~ sections
24 12-43-218 and 13-90-107 (1) (d) or (1) (g), C.R.S., the coroner holding
25 an inquest or investigation pursuant to this section has the authority to
26 request and receive a copy of:

27 (II) Any information, record, or report related to treatment,

1 consultation, counseling, or therapy services from any licensed
2 psychologist, professional counselor, marriage and family therapist, social
3 worker, OR addiction counselor, CERTIFIED ADDICTION COUNSELOR, or
4 ~~unlicensed~~ REGISTERED psychotherapist if ~~such~~ THE report, record, or
5 information is relevant to the inquest or investigation.

6 **SECTION 72. Appropriation.** (1) In addition to any other
7 appropriation, there is hereby appropriated, out of any moneys in the
8 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
9 Colorado Revised Statutes, not otherwise appropriated, to the department
10 of regulatory agencies, for allocation to the executive director's office, for
11 the fiscal year beginning July 1, 2011, the sum of two hundred fifty-six
12 thousand eighty-eight dollars (\$256,088) cash funds, or so much thereof
13 as may be necessary, to be allocated as follows:

14 (a) \$176,088 for legal services; and

15 (b) \$80,000 for information technology asset maintenance.

16 (2) In addition to any other appropriation, there is hereby
17 appropriated, out of any moneys in the division of registrations cash fund
18 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
19 otherwise appropriated, to the department of regulatory agencies, for
20 allocation to the division of registrations, for personal services and
21 operating expenses, for the fiscal year beginning July 1, 2011, the sum of
22 two hundred twenty-eight thousand two hundred forty-one dollars
23 (\$228,241) cash funds and 4.3 FTE, or so much thereof as may be
24 necessary, for the implementation of this act.

25 (3) In addition to any other appropriation, there is hereby
26 appropriated to the department of law, for the fiscal year beginning July
27 1, 2011, the sum of one hundred seventy-six thousand eighty-eight dollars

1 (\$176,088) and 1.4 FTE, or so much thereof as may be necessary, for the
2 provision of legal services to the department of regulatory agencies
3 related to the implementation of this act. Said sum shall be from
4 reappropriated funds received from the department of regulatory agencies
5 out of the appropriation made in subsection (1) of this section.

6 **SECTION 73. Effective date.** This act shall take effect July 1,
7 2011.

8 **SECTION 74. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.