

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-0540.02 Jane Ritter x4342

HOUSE BILL 16-1103

HOUSE SPONSORSHIP

Kraft-Tharp and Landgraf,

SENATE SPONSORSHIP

Martinez Humenik and Todd,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 CONCERNING CLARIFYING LICENSE PATHWAYS FOR THE MENTAL
102 HEALTH PROFESSIONAL WORKFORCE.

Bill Summary

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

The bill clarifies that licensed psychologists, licensed clinical social workers, licensed marriage and family therapists, and licensed professional counselors (occupations collectively referred to as "mental health professions"); candidates for licensure in a mental health profession, including licensed social workers; and individuals enrolled in an appropriate professional program of study for a mental health

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.

SENATE
2nd Reading Unamended
March 22, 2016

HOUSE
3rd Reading Unamended
March 8, 2016

HOUSE
Amended 2nd Reading
March 7, 2016

profession at an approved school or college may register with the database of registered psychotherapists; however, if they do register with such database, the hours accrued will not count toward licensure requirements. The bill also clarifies that a candidate in a mental health profession, including a licensed social worker, need only have completed his or her degree to satisfy the educational component of the licensing process.

The individual boards for the mental health professions are authorized to promulgate rules related to the requirements for hours accrued toward licensure.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43-304, **amend**
3 (7) (b) as follows:

4 **12-43-304. Qualifications - examinations - licensure.** (7) (b) A
5 psychologist candidate registered pursuant to this subsection (7) ~~is not~~
6 ~~required to~~ IS UNDER THE JURISDICTION OF THE STATE BOARD OF
7 PSYCHOLOGIST EXAMINERS. THE PSYCHOLOGIST CANDIDATE **MAY, BUT IS**
8 **NOT REQUIRED TO,** register with the database of registered
9 psychotherapists pursuant to section **12-43-702.5.** ~~and is under the~~
10 ~~jurisdiction of the state board of psychologist examiners.~~ If the
11 requirements of paragraphs (d) and (e) of subsection (1) of this section
12 are not met within four years, the registration of the psychologist
13 candidate expires and is not renewable unless the board, in its discretion,
14 grants the candidate an extension. A person whose psychologist candidate
15 registration expires is not precluded from applying for licensure or
16 registration with any other mental health board for which the person is
17 qualified.

18 **SECTION 2.** In Colorado Revised Statutes, 12-43-404, **add** (8)
19 as follows:

20 **12-43-404. Qualifications - examination - licensure and**

1 **registration.** (8) A PERSON LICENSED AS A LICENSED SOCIAL WORKER
2 PURSUANT TO SUBSECTION (1) OF THIS SECTION ~~MAY, BUT IS NOT~~
3 ~~REQUIRED TO,~~ REGISTER WITH THE DATABASE OF REGISTERED
4 PSYCHOTHERAPISTS PURSUANT TO SECTION 12-43-702.5.

5 **SECTION 3.** In Colorado Revised Statutes, 12-43-504, **amend**
6 (5) (b) as follows:

7 **12-43-504. Qualifications - examination - licensure and**
8 **registration.** (5) (b) A marriage and family therapist candidate who
9 registers with the board pursuant to this subsection (5) is under the
10 jurisdiction of the board and ~~is not required to~~ ~~MAY, BUT IS NOT REQUIRED~~
11 ~~TO,~~ register with the database of registered psychotherapists pursuant to
12 section 12-43-702.5.

13 **SECTION 4.** In Colorado Revised Statutes, 12-43-603, **amend**
14 (5) (b) as follows:

15 **12-43-603. Licensure - examination - licensed professional**
16 **counselors.** (5) (b) A licensed professional counselor candidate who
17 registers with the state board of licensed professional counselor
18 examiners pursuant to this subsection (5) is under the jurisdiction of the
19 board and ~~is not required to~~ ~~MAY, BUT IS NOT REQUIRED TO,~~ register with
20 the database of registered psychotherapists pursuant to section
21 12-43-702.5.

22 **SECTION 5.** In Colorado Revised Statutes, 12-43-702.5, **add**
23 (1.5) as follows:

24 **12-43-702.5. Database of registered psychotherapists -**
25 **unauthorized practice - penalties - data collection.** (1.5) A PERSON
26 WHO IS LICENSED PURSUANT TO PART 3, 4, 5, 6, OR 8 OF THIS ARTICLE; IS
27 REGISTERED AS A PSYCHOLOGIST CANDIDATE, LICENSED SOCIAL WORKER,

1 MARRIAGE AND FAMILY THERAPIST CANDIDATE, OR PROFESSIONAL
2 COUNSELOR CANDIDATE; OR IS ENROLLED IN A PROFESSIONAL TRAINING
3 PROGRAM AT AN APPROVED SCHOOL AND ACTIVELY WORKING TOWARD
4 ACQUIRING AND DEMONSTRATING THE NECESSARY QUALIFICATIONS FOR
5 LICENSURE SET FORTH IN SECTION 12-43-304, 12-43-404, 12-43-504,
6 12-43-603, OR 12-43-804 MAY, BUT IS NOT REQUIRED TO, REGISTER WITH
7 THE DATABASE OF REGISTERED PSYCHOTHERAPISTS.

8 **SECTION 6.** In Colorado Revised Statutes, 12-43-214, **amend**
9 (1) (b) (II) as follows:

10 **12-43-214. Mandatory disclosure of information to clients.**

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

14 (b) (II) A listing of any degrees, credentials, certifications,
15 registrations, and licenses held or ~~obtained~~ COMPLETED by the licensee,
16 registrant, or certificate holder, including the education, experience, and
17 training the licensee, registrant, or certificate holder was required to
18 satisfy in order to ~~obtain~~ COMPLETE the degree, ~~credentials, certifications,~~
19 ~~registrations, or licenses~~ CREDENTIAL, CERTIFICATION, REGISTRATION, OR
20 LICENSE;

21 **SECTION 7.** In Colorado Revised Statutes, 12-43-304, **amend**
22 (1) (c) as follows:

23 **12-43-304. Qualifications - examinations - licensure.** (1) The
24 board shall issue a license as a psychologist to **each applicant** who files
25 an application in a form and manner required by the board, submits the
26 fee required by the board pursuant to section 12-43-204, and furnishes
27 evidence satisfactory to the board that he or she:

1 (c) ~~Holds~~ HAS COMPLETED a doctorate degree with a major in
2 psychology, or the equivalent to such major as determined by the board,
3 from an approved school;

4 **SECTION 8.** In Colorado Revised Statutes, 12-43-306, **amend**
5 (1) as follows:

6 **12-43-306. Exemptions.** (1) Nothing in this part 3 shall be
7 construed to prevent the teaching of psychology, or the conduct of
8 psychological research, if ~~such~~ THE teaching or research does not involve
9 the delivery or supervision of direct psychological services to individuals
10 who are themselves, rather than a third party, the intended beneficiaries
11 of ~~such~~ THE services without regard to the source or extent of payment for
12 services rendered. Nothing in this part 3 ~~shall prevent~~ PREVENTS the
13 provision of expert testimony by psychologists who are exempted by this
14 part 3. ~~Persons holding~~ A PERSON WHO HAS COMPLETED an earned
15 doctoral degree in psychology from an approved school may use the title
16 "psychologist" in conjunction with the activities permitted in this
17 subsection (1).

18 **SECTION 9.** In Colorado Revised Statutes, 12-43-401, **amend**
19 (11) as follows:

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

22 (11) "Social worker" means a person who ~~possesses~~ HAS
23 COMPLETED an earned master's or bachelor's degree in social work from
24 a social work education program accredited by the council on social work
25 education, or a doctoral degree in social work from a doctoral program
26 within a social work education program accredited by the council on
27 social work education, and who is practicing within the scope of section

1 12-43-403.

2 **SECTION 10.** In Colorado Revised Statutes, 12-43-403, **amend**
3 (1) as follows:

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

18 **SECTION 11.** In Colorado Revised Statutes, 12-43-404, **amend**
19 (1) introductory portion, (1) (b), (2) introductory portion, and (2) (b) as
20 follows:

21 **12-43-404. Qualifications - examination - licensure and**
22 **registration.** (1) The board shall license as a licensed social worker ~~any~~
23 A person who files an application in a form and manner required by the
24 board, submits the fee required by the board pursuant to section
25 12-43-204, and submits evidence satisfactory to the board that he or she:
26 (b) Has ~~obtained~~ COMPLETED a master's degree from a graduate
27 school of social work; and

1 (2) The board shall license as a licensed clinical social worker ~~any~~
2 A person who files an application, in a form and manner required by the
3 board, submits the fee required by the board pursuant to section
4 12-43-204, and submits evidence satisfactory to the board that he or she:

5 (b) Has ~~obtained~~ COMPLETED a master's or doctorate degree from
6 a graduate school of social work;

7 **SECTION 12.** In Colorado Revised Statutes, 12-43-405, **amend**
8 (5) as follows:

9 **12-43-405. Rights and privileges of licensure and a social work**
10 **degree.** (5) Any person ~~possessing~~ WHO HAS COMPLETED an earned
11 master's or bachelor's degree in social work from a social work education
12 program accredited by the council on social work education, or a doctoral
13 degree in social work from a doctoral program within a social work
14 education program accredited by the council on social work education,
15 has the right to practice social work and to use the title "social worker".
16 Only a person licensed as a clinical social worker or practicing under the
17 supervision of a licensed clinical social worker may assert that he or she
18 is practicing clinical social work or use the title of "clinical social
19 worker".

20 **SECTION 13.** In Colorado Revised Statutes, 12-43-406, **amend**
21 (2) as follows:

22 **12-43-406. Scope of part.** (2) ~~No~~ A person may NOT state that he
23 or she is engaged in the practice of social work as a social worker, or
24 refer to himself or herself as a social worker, unless the person is licensed
25 pursuant to this part 4 or ~~possesses~~ HAS COMPLETED an earned social work
26 degree, as defined in section 12-43-401 (11). ~~No~~ A person may NOT
27 practice as a clinical social worker unless licensed pursuant to section

1 12-43-404 (2) or licensed to practice social work and supervised pursuant
2 to section 12-43-404 (1) or (2).

3 **SECTION 14.** In Colorado Revised Statutes, **amend** 12-43-407
4 as follows:

5 **12-43-407. Exemptions.** Nothing in this part 4 shall be construed
6 to prevent the teaching of social work, or the conduct of social work
7 research, if ~~such~~ THE teaching or research does not involve the delivery
8 or supervision of direct social work services to individuals who are
9 themselves, rather than a third party, the intended beneficiaries of ~~such~~
10 THE services without regard to the source or extent of payment for
11 services rendered. Nothing in this part 4 ~~shall prevent~~ PREVENTS the
12 provision of expert testimony by social workers who are exempted by this
13 part 4. ~~Persons holding~~ A PERSON WHO HAS COMPLETED an earned
14 doctoral degree in social work from an approved school may use the title
15 "social worker" in conjunction with activities permitted in this section.

16 **SECTION 15.** In Colorado Revised Statutes, 12-43-410, **amend**
17 (1) and (3) as follows:

18 **12-43-410. Employees of social services.** (1) Notwithstanding
19 the exemption in section 12-43-215 (3), an employee of the department
20 of human services, employee of a county department of HUMAN OR social
21 services, or personnel under the direct control or supervision of ~~such~~
22 THOSE departments, shall not state that he or she is engaged in the
23 practice of social work as a social worker or refer to himself or herself as
24 a social worker unless the person is licensed pursuant to this part 4 or
25 ~~possesses~~ HAS COMPLETED an earned social work degree, as defined in
26 section 12-43-401 (11).

27 (3) An employee of the state department of human services or a

1 county department of HUMAN OR social services who has ~~earned~~
2 COMPLETED a bachelor's or master's degree in social work may apply to
3 the board, for purposes related to licensure under this part 4, for approval
4 for supervision by a person other than a licensed clinical social worker.
5 The board shall consider input from representatives of the state
6 department of human services and the county departments of HUMAN OR
7 social services when promulgating the rule concerning what qualifications
8 or experience a person is required to possess in order to supervise an
9 employee pursuant to this subsection (3).

10 **SECTION 16.** In Colorado Revised Statutes, 12-43-504, **amend**
11 **(1) (c)** and (1) (d) as follows:

12 **12-43-504. Qualifications - examination - licensure and**
13 **registration.** (1) The board shall issue a license as a marriage and family
14 therapist to each applicant who files an application in a form and manner
15 required by the board, submits the fee required by the board pursuant to
16 section 12-43-204, and furnishes evidence satisfactory to the board that
17 he or she:

18 (c) ~~Holder~~ HAS COMPLETED a master's or doctoral degree from an
19 accredited school or college in marriage and family therapy or its
20 equivalent as determined by the board, ~~such degree to include~~ AND THE
21 DEGREE INCLUDES a practicum or internship in the principles and practice
22 of marriage and family therapy;

23 (d) Subsequent to ~~receiving~~ COMPLETING his or her master's or
24 doctoral degree, has had at least two years of post-master's or one year
25 postdoctoral practice in individual and marriage and family therapy,
26 including at least one thousand five hundred hours of face-to-face direct
27 client contact as determined by the board for the purpose of assessment

1 and intervention under board-approved supervision; and

2 **SECTION 17.** In Colorado Revised Statutes, 12-43-603, **amend**

3 (1) (c) as follows:

4 **12-43-603. Licensure - examination - licensed professional**
5 **counselors.** (1) The board shall issue a license as a licensed professional
6 counselor to each applicant who files an application in a form and manner
7 required by the board, submits the fee required by the board pursuant to
8 section 12-43-204, and furnishes evidence satisfactory to the board that
9 he or she:

10 (c) ~~Holder~~ HAS COMPLETED a master's or doctoral degree in
11 professional counseling from an accredited school or college or an
12 equivalent program as determined by the board. ~~Such~~ THE degree or
13 program ~~shall~~ MUST include a practicum or internship in the principles
14 and the practice of professional counseling.

15 **SECTION 18.** In Colorado Revised Statutes, 12-43-804, **amend**

16 (1) (c) as follows:

17 **12-43-804. Requirements for licensure and certification -**
18 **rules.** (1) The board shall issue a license as an addiction counselor to an
19 applicant who files an application in the form and manner required by the
20 board, submits the fee required by the board pursuant to section
21 12-43-204, and submits evidence satisfactory to the board that he or she:

22 (c) ~~Holder~~ HAS COMPLETED a master's or doctorate degree in the
23 behavioral health sciences from an accredited school, college, or
24 university or an equivalent program as determined by the board;

25 **SECTION 19. Effective date.** This act takes effect January 1,
26 2017.

27 **SECTION 20. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.