

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0351.01 Christy Chase x2008

SENATE BILL 19-154

SENATE SPONSORSHIP

Court, Fields

HOUSE SPONSORSHIP

Sirota,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE REGULATION OF
102 PSYCHIATRIC TECHNICIANS BY THE STATE BOARD OF NURSING,
103 AND, IN CONNECTION THEREWITH, IMPLEMENTING THE
104 RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET REPORT
105 BY THE DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

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

Sunset Process - Senate State, Veterans, and Military Affairs Committee. The bill implements the recommendations of the department

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

of regulatory agencies' sunset review and report on the licensure and regulation functions of the state board of nursing (board) regarding psychiatric technicians as follows:

- ! Continues the functions of the board in licensing and regulating psychiatric technicians for 15 years, until September 1, 2034 (**sections 1 and 2** of the bill);
- ! Changes references to "accredited" psychiatric technician education programs to "approved" to more accurately reflect that the programs are approved by the board rather than accredited (**sections 3, 5, 6, and 8**);
- ! Makes 2 technical amendments to the statute governing applications for psychiatric technician licenses to reflect current practices (**section 4**);
- ! Modifies the grounds for discipline related to alcohol or substance use or abuse to eliminate reference to having an alcohol or substance use disorder and instead clarifying that a person is subject to discipline for excessive or habitual use or abuse of alcohol or drugs (**section 7**);
- ! Eliminates as a grounds for discipline having a physical disability or intellectual or developmental disability that renders the person unable to safely practice and instead subjects a person to discipline for failure to notify the board of, or act within the limitations created by, a physical illness or condition or behavioral, mental health, or substance use disorder that affects the psychiatric technician's ability to safely practice. Additionally, the bill authorizes the board to enter into a confidential agreement with the psychiatric technician to limit his or her practice and makes failure to comply with the agreement grounds for discipline (**sections 7 and 9**).
- ! Removes the terms "willfully" and "negligently" from several grounds for disciplining a psychiatric technician (**section 7**); and
- ! Eliminates the requirement that the board send letters of admonition by certified mail (**section 10**).

Sections 11 through 20 make conforming amendments to harmonize the bill with the title 12 recodification bill, House Bill 19-1172.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-42-103, **amend**

3 (2) as follows:

1 **12-42-103. State board of nursing - repeal of article - review**
2 **of licensing and regulation functions.** (2) ~~(a)~~ This article ~~42~~ is repealed,
3 effective ~~July 1, 2019~~ SEPTEMBER 1, 2034.

4 ~~(b) Prior to such~~ BEFORE ITS repeal, the licensure and regulation
5 functions of the ~~state board of nursing shall be reviewed as provided in~~
6 ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104.
7 ~~C.R.S.~~

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
9 (16)(a)(III); and **add** (35) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for repeal, continuation, or reestablishment - legislative**
12 **declaration - repeal.** (16) (a) The following agencies, functions, or both,
13 will repeal on July 1, 2019:

14 (III) ~~The licensing and regulation of psychiatric technicians by the~~
15 ~~state board of nursing in accordance with article 42 of title 12, C.R.S.;~~

16 (35) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE
17 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2034:

18 (I) THE LICENSING AND REGULATION OF PSYCHIATRIC TECHNICIANS
19 BY THE STATE BOARD OF NURSING IN ACCORDANCE WITH ARTICLE 42 OF
20 TITLE 12.

21 (b) THIS SUBSECTION (35) IS REPEALED, EFFECTIVE SEPTEMBER 1,
22 2036.

23 **SECTION 3.** In Colorado Revised Statutes, 12-42-102, **amend**
24 (1) as follows:

25 **12-42-102. Definitions.** As used in this article 42, unless the
26 context otherwise requires:

27 (1) ~~"Accredited "~~APPROVED psychiatric technician education

1 program" means a course of training conducted by a school for the
2 training of psychiatric technicians carrying out the basic curriculum
3 prescribed by this article ~~42~~ and ~~accredited~~ APPROVED by the board.

4 **SECTION 4.** In Colorado Revised Statutes, 12-42-104, **amend**
5 (1) and (2) as follows:

6 **12-42-104. Application for license.** (1) Every applicant for
7 license as a psychiatric technician ~~shall file a written~~ MUST SUBMIT AN
8 application ~~on forms provided~~ IN A MANNER APPROVED by the board.

9 (2) Every applicant shall accompany ~~his~~ THE application with a
10 license fee established pursuant to section 24-34-105. ~~C.R.S., together~~
11 ~~with a statement of whether or not he has been convicted of a felony or~~
12 ~~a misdemeanor involving moral turpitude.~~

13 **SECTION 5.** In Colorado Revised Statutes, 12-42-105, **amend**
14 (1) introductory portion and (1)(c) as follows:

15 **12-42-105. License by examination.** (1) Every applicant for
16 license by examination shall submit written evidence, verified by oath,
17 and satisfactory to the board that ~~said~~ THE applicant:

18 (c) Has completed AND RECEIVED A DIPLOMA FROM the required
19 ~~accredited~~ APPROVED psychiatric technician educational program. ~~and~~
20 ~~holds a diploma from a state accredited program.~~

21 **SECTION 6.** In Colorado Revised Statutes, 12-42-111, **amend**
22 (1)(a), (3), and (4) as follows:

23 **12-42-111. Approved psychiatric technician educational**
24 **program.** (1) (a) Any institution within the state of Colorado desiring to
25 conduct an ~~accredited~~ APPROVED preservice psychiatric technician
26 educational program may apply to the board and submit evidence that it
27 is prepared to carry out a psychiatric technician curriculum that contains

1 theoretical content and clinical practice to prepare the psychiatric
2 technician student to care for clients with intellectual and developmental
3 disabilities or behavioral or mental health disorders in institutional and
4 community settings.

5 (3) If the requirements of this article 42 for an ~~accredited~~
6 APPROVED psychiatric technician educational program are met, the
7 ~~institution~~ BOARD must ~~be accredited~~ APPROVE THE INSTITUTION as a
8 psychiatric technician educational program for psychiatric technicians for
9 work with patients with mental health disorders or intellectual and
10 developmental disabilities, AND THE APPROVAL IS VALID for so long as
11 ~~such~~ THE institution meets the requirements of this article 42.

12 (4) The board shall examine, from time to time, the ~~accredited~~
13 APPROVED psychiatric technician educational programs of all institutions
14 in the state ~~having such~~ WITH APPROVED programs. ~~Such~~ THE EXECUTIVE
15 SECRETARY OR OTHER AUTHORIZED REPRESENTATIVE OF THE BOARD
16 SHALL CONDUCT THE examinations ~~shall be made by the executive~~
17 ~~secretary or other authorized representative of the board,~~ and ~~the~~ SUBMIT
18 THE EXAMINATION results ~~thereof shall be submitted~~ to the board in the
19 form of written reports. If the board determines that an institution ~~having~~
20 ~~an accredited~~ WITH AN APPROVED psychiatric technician educational
21 program is not maintaining the standards required by this article **42**, THE
22 BOARD SHALL SERVE notice ~~thereof~~ OF ITS DETERMINATION in writing,
23 specifying the defect, ~~shall be served on such~~ THE institution by certified
24 mail, postage prepaid, return receipt requested. If the institution receiving
25 ~~such~~ THE notice fails, within one year after mailing of ~~such~~ THE notice, to
26 correct the conditions complained of ~~therein, its~~ IN THE NOTICE, THE
27 BOARD SHALL REVOKE THE INSTITUTION'S authority to conduct an

1 ~~accredited~~ APPROVED psychiatric technician educational program. ~~shall~~
2 ~~be revoked by the board.~~ An institution ~~shall have~~ HAS the right, at any
3 time before the expiration of one year from the date it receives ~~such~~ THE
4 notice, to demand and be granted a hearing before the board. In case of
5 ~~such~~ A demand, ~~no~~ THE BOARD SHALL NOT TAKE action ~~shall be taken by~~
6 ~~the board~~ until after the hearing.

7 **SECTION 7.** In Colorado Revised Statutes, 12-42-113, **amend**
8 (1)(c), (1)(f), (1)(g), (1)(i), and (1)(j) as follows:

9 **12-42-113. Grounds for discipline.** (1) "Grounds for discipline",
10 as used in this article 42, means any action by any person who:

11 (c) Has ~~willfully or negligently~~ acted in a manner inconsistent
12 with the health or safety of ~~persons~~ INDIVIDUALS under ~~his~~ THE PERSON'S
13 care;

14 (f) Has ~~negligently or willfully~~ practiced as a psychiatric
15 technician in a manner ~~which~~ THAT fails to meet generally accepted
16 standards for ~~such~~ THE practice;

17 (g) Has ~~negligently or willfully~~ violated any order OR rule ~~or~~
18 ~~regulation~~ of the board pertaining to practice or licensure as a psychiatric
19 technician;

20 (i) ~~Has an alcohol use disorder, as defined in section 27-81-102,~~
21 ~~or a substance use disorder, as defined in section 27-82-102, is a habitual~~
22 ~~user of~~ HABITUALLY OR EXCESSIVELY USES OR ABUSES ALCOHOL OR
23 controlled substances, as defined in section 18-18-102 (5), or other drugs
24 having similar effects, or is diverting controlled substances, as defined in
25 section 18-18-102 (5), or other drugs having similar effects from the
26 licensee's place of employment; except that the board has the discretion
27 not to discipline the licensee if ~~such~~ THE licensee is participating in good

1 faith in an alcohol or substance use disorder treatment program approved
2 by the board;

3 (j) (I) Has FAILED TO NOTIFY THE BOARD, AS REQUIRED BY
4 SECTION 12-42-122 (1), OF a ~~physical disability or an intellectual and~~
5 ~~developmental disability that renders him or her unable~~ PHYSICAL
6 ILLNESS; PHYSICAL CONDITION; OR BEHAVIORAL, MENTAL HEALTH, OR
7 SUBSTANCE USE DISORDER THAT AFFECTS THE PSYCHIATRIC TECHNICIAN'S
8 ABILITY to practice as a psychiatric technician with reasonable skill and
9 safety to ~~the patients and which~~ OR THAT may endanger the health or
10 safety of ~~persons~~ INDIVIDUALS under ~~his or her~~ THE PERSON'S care;

11 (II) HAS FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A
12 PHYSICAL ILLNESS; PHYSICAL CONDITION; OR BEHAVIORAL, MENTAL
13 HEALTH, OR SUBSTANCE USE DISORDER THAT RENDERS THE PSYCHIATRIC
14 TECHNICIAN UNABLE TO PRACTICE AS A PSYCHIATRIC TECHNICIAN WITH
15 REASONABLE SKILL AND SAFETY TO PATIENTS OR THAT MAY ENDANGER
16 THE HEALTH OR SAFETY OF INDIVIDUALS UNDER THE PERSON'S CARE; OR

17 (III) HAS FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO
18 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION
19 12-42-122;

20 **SECTION 8.** In Colorado Revised Statutes, 12-42-116, **amend**
21 (2) as follows:

22 **12-42-116. Exclusions.** (2) This article ~~42~~ shall not be construed
23 to prohibit the practice as a psychiatric technician by students enrolled in
24 an ~~accredited~~ APPROVED psychiatric technician educational program or by
25 graduates of ~~such accredited~~ AN APPROVED psychiatric technician
26 educational program pending the results of the first licensing examination
27 scheduled by the board following their graduation.

1 **SECTION 9.** In Colorado Revised Statutes, **add** 12-42-122 as
2 follows:

3 **12-42-122. Confidential agreement to limit practice - violation**
4 **grounds for discipline.** (1) (a) IF A PSYCHIATRIC TECHNICIAN HAS A
5 PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL
6 HEALTH DISORDER THAT RENDERS THE PSYCHIATRIC TECHNICIAN UNABLE
7 TO PRACTICE AS A PSYCHIATRIC TECHNICIAN WITH REASONABLE SKILL AND
8 SAFETY TO PATIENTS, THE PSYCHIATRIC TECHNICIAN SHALL NOTIFY THE
9 BOARD OF THE PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL
10 OR MENTAL HEALTH DISORDER IN A MANNER AND WITHIN A PERIOD OF
11 TIME DETERMINED BY THE BOARD.

12 (b) THE BOARD MAY REQUIRE THE PSYCHIATRIC TECHNICIAN TO
13 SUBMIT TO AN EXAMINATION TO EVALUATE THE EXTENT OF THE PHYSICAL
14 ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH
15 DISORDER AND ITS EFFECT ON THE PSYCHIATRIC TECHNICIAN'S ABILITY TO
16 PRACTICE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

17 (2) (a) UPON DETERMINING THAT A PSYCHIATRIC TECHNICIAN WITH
18 A PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL
19 HEALTH DISORDER IS ABLE TO RENDER LIMITED PSYCHIATRIC TECHNICIAN
20 SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS, THE BOARD
21 MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE PSYCHIATRIC
22 TECHNICIAN IN WHICH THE PSYCHIATRIC TECHNICIAN AGREES TO LIMIT THE
23 PERSON'S PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE
24 PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL
25 HEALTH DISORDER, AS DETERMINED BY THE BOARD.

26 (b) AS PART OF THE AGREEMENT, THE PSYCHIATRIC TECHNICIAN
27 IS SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED

1 APPROPRIATE BY THE BOARD.

2 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS
3 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF
4 MONITORING.

5 (3) BY ENTERING INTO AN AGREEMENT WITH THE BOARD
6 PURSUANT TO THIS SECTION, THE PSYCHIATRIC TECHNICIAN IS NOT
7 ENGAGING IN ACTIVITIES THAT CONSTITUTE GROUNDS FOR DISCIPLINE
8 PURSUANT TO SECTION 12-42-113. THE AGREEMENT DOES NOT
9 CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER, IF
10 THE PSYCHIATRIC TECHNICIAN FAILS TO COMPLY WITH THE TERMS OF AN
11 AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE FAILURE
12 CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION
13 12-42-113 (1)(j), AND THE PSYCHIATRIC TECHNICIAN IS SUBJECT TO
14 DISCIPLINE IN ACCORDANCE WITH SECTION 12-38-116.5.

15 (4) THIS SECTION DOES NOT APPLY TO A PSYCHIATRIC TECHNICIAN
16 SUBJECT TO DISCIPLINE UNDER SECTION 12-42-113 (1)(i).

17 **SECTION 10.** In Colorado Revised Statutes, 12-38-116.5,
18 **amend** (3)(c)(IV)(A) and (3)(c)(IV)(B) as follows:

19 **12-38-116.5. Disciplinary procedures of the board - inquiry**
20 **and hearings panels.** (3) (c) On completion of an investigation, the
21 inquiry panel shall make a finding that:

22 (IV) (A) When a complaint or investigation discloses an instance
23 of misconduct that, in the opinion of the board, does not warrant formal
24 action by the board but that should not be dismissed as being without
25 merit, a letter of admonition may be issued and sent ~~by certified mail~~, to
26 the licensee.

27 (B) When a letter of admonition is sent by the board ~~by certified~~

1 ~~mail~~, to a licensee, ~~such~~ THE licensee shall be advised that he or she has
2 the right to request in writing, within twenty days after receipt of the
3 letter, that formal disciplinary proceedings be initiated to adjudicate the
4 propriety of the conduct upon which the letter of admonition is based.

5 **SECTION 11.** In Colorado Revised Statutes, 12-295-103, **amend**
6 **as relocated by House Bill 19-1172** (1) as follows:

7 **12-295-103. Definitions.** As used in this article 295, unless the
8 context otherwise requires:

9 (1) ~~"Accredited~~ "APPROVED psychiatric technician education
10 program" means a course of training conducted by a school for the
11 training of psychiatric technicians carrying out the basic curriculum
12 prescribed by this article 295 and ~~accredited~~ APPROVED by the board.

13 **SECTION 12.** In Colorado Revised Statutes, 12-295-104, **amend**
14 **as relocated by House Bill 19-1172** (2) as follows:

15 **12-295-104. State board of nursing - repeal of article - review**
16 **of licensing and regulation functions.** (2) This article 295 is repealed,
17 effective ~~July 1, 2019~~ SEPTEMBER 1, 2034. Before the repeal, the
18 licensure and regulation functions of the board are scheduled for review
19 in accordance with section 24-34-104.

20 **SECTION 13.** In Colorado Revised Statutes, 12-295-105, **amend**
21 **as relocated by House Bill 19-1172** (1) and (2) as follows:

22 **12-295-105. Application for license.** (1) Every applicant for
23 license as a psychiatric technician ~~shall file a written~~ MUST SUBMIT AN
24 application ~~on forms provided~~ IN A MANNER APPROVED by the board.

25 (2) Every applicant shall accompany the application with a license
26 fee established pursuant to section 12-20-105. ~~together with a statement~~
27 ~~of whether or not the applicant has been convicted of a felony or a~~

1 ~~misdemeanor involving moral turpitude.~~

2 **SECTION 14.** In Colorado Revised Statutes, 12-295-106, **amend**
3 **as relocated by House Bill 19-1172** (1)(c) as follows:

4 **12-295-106. License by examination.** (1) Every applicant for
5 license by examination shall submit written evidence, verified by oath,
6 and satisfactory to the board that the applicant:

7 (c) Has completed AND RECEIVED A DIPLOMA FROM the required
8 ~~accredited~~ APPROVED psychiatric technician educational program. ~~and~~
9 ~~holds a diploma from a state-accredited program.~~

10 **SECTION 15.** In Colorado Revised Statutes, 12-295-109, **amend**
11 **as relocated by House Bill 19-1172** (1)(a), (3), and (4) as follows:

12 **12-295-109. Approved psychiatric technician educational**
13 **program.** (1) (a) Any institution within the state of Colorado desiring to
14 conduct an ~~accredited~~ APPROVED preservice psychiatric technician
15 educational program may apply to the board and submit evidence that it
16 is prepared to carry out a psychiatric technician curriculum that contains
17 theoretical content and clinical practice to prepare the psychiatric
18 technician student to care for clients with intellectual and developmental
19 disabilities or behavioral or mental health disorders in institutional and
20 community settings.

21 (3) If the requirements of this article 295 for an ~~accredited~~
22 APPROVED psychiatric technician educational program are met, the
23 ~~institution~~ BOARD must ~~be accredited~~ APPROVE THE INSTITUTION as a
24 psychiatric technician educational program for psychiatric technicians for
25 work with patients with mental health disorders or intellectual and
26 developmental disabilities, AND THE APPROVAL IS VALID for so long as the
27 institution meets the requirements of this article 295.

1 (4) The board shall examine, from time to time, the ~~accredited~~
2 APPROVED psychiatric technician educational programs of all institutions
3 in the state ~~having such~~ WITH APPROVED programs. The EXECUTIVE
4 SECRETARY OR OTHER AUTHORIZED REPRESENTATIVE OF THE BOARD
5 SHALL CONDUCT THE examinations ~~shall be made by the executive~~
6 ~~secretary or other authorized representative of the board,~~ and ~~the~~ SUBMIT
7 THE EXAMINATION results ~~thereof shall be submitted~~ to the board in the
8 form of written reports. If the board determines that an institution ~~having~~
9 ~~an accredited~~ WITH AN APPROVED psychiatric technician educational
10 program is not maintaining the standards required by this article 295, THE
11 BOARD SHALL SERVE notice ~~thereof~~ OF ITS DETERMINATION in writing,
12 specifying the defect, ~~shall be served~~ on the institution by certified mail,
13 postage prepaid, return receipt requested. If the institution receiving the
14 notice fails, within one year after mailing of the notice, to correct the
15 conditions complained of ~~therein, its~~ IN THE NOTICE, THE BOARD SHALL
16 REVOKE THE INSTITUTION'S authority to conduct an ~~accredited~~ APPROVED
17 psychiatric technician educational program. ~~shall be revoked by the~~
18 ~~board.~~ An institution ~~shall have~~ HAS the right, at any time before the
19 expiration of one year from the date it receives the notice, to demand and
20 be granted a hearing before the board. In case of a demand, ~~no~~ THE
21 BOARD SHALL NOT TAKE action ~~shall be taken by the board~~ until after the
22 hearing.

23 **SECTION 16.** In Colorado Revised Statutes, 12-295-111, **amend**
24 **as relocated by House Bill 19-1172** (1)(c), (1)(f), (1)(g), (1)(i), and (1)(j)
25 as follows:

26 **12-295-111. Grounds for discipline.** (1) "Grounds for
27 discipline", as used in this article 295, means any action by any person

1 who:

2 (c) Has ~~willfully or negligently~~ acted in a manner inconsistent
3 with the health or safety of individuals under the person's care;

4 (f) Has ~~negligently or willfully~~ practiced as a psychiatric
5 technician in a manner that fails to meet generally accepted standards for
6 the practice;

7 (g) Has ~~negligently or willfully~~ violated any order or rule of the
8 board pertaining to practice or licensure as a psychiatric technician;

9 (i) ~~Has an alcohol use disorder, as defined in section 27-81-102,~~
10 ~~or a substance use disorder, as defined in section 27-82-102, is a habitual~~
11 ~~user of~~ HABITUALLY OR EXCESSIVELY USES OR ABUSES ALCOHOL OR
12 controlled substances, as defined in section 18-18-102 (5), or other drugs
13 having similar effects, or is diverting controlled substances, as defined in
14 section 18-18-102 (5), or other drugs having similar effects from the
15 licensee's place of employment; except that the board has the discretion
16 not to discipline the licensee if the licensee is participating in good faith
17 in an alcohol or substance use disorder treatment program approved by
18 the board;

19 (j) (I) Has FAILED TO NOTIFY THE BOARD OF a physical ~~disability~~
20 ~~or an intellectual and developmental disability that renders him or her~~
21 ~~unable~~ ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL, MENTAL HEALTH,
22 OR SUBSTANCE USE DISORDER THAT AFFECTS THE PSYCHIATRIC
23 TECHNICIAN'S ABILITY to practice as a psychiatric technician with
24 reasonable skill and safety to ~~the patients and~~ OR that may endanger the
25 health or safety of ~~patients~~ INDIVIDUALS under the person's care;

26 (II) HAS FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A
27 PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL, MENTAL

1 HEALTH, OR SUBSTANCE USE DISORDER THAT RENDERS THE PSYCHIATRIC
2 TECHNICIAN UNABLE TO PRACTICE AS A PSYCHIATRIC TECHNICIAN WITH
3 REASONABLE SKILL AND SAFETY TO PATIENTS OR THAT MAY ENDANGER
4 THE HEALTH OR SAFETY OF INDIVIDUALS UNDER THE PERSON'S CARE; OR
5 (III) HAS FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO
6 UNDER A CONFIDENTIAL AGREEMENT ENTERED INTO PURSUANT TO
7 SECTION 12-30-108;

8 **SECTION 17.** In Colorado Revised Statutes, 12-295-117, **amend**
9 **as relocated by House Bill 19-1172 (2)(a)** as follows:

10 **12-295-117. Exclusions.** (2) This article 295 shall not be
11 construed to prohibit:

12 (a) The practice as a psychiatric technician by students enrolled
13 in an ~~accredited~~ APPROVED psychiatric technician educational program or
14 by graduates of an ~~accredited~~ APPROVED psychiatric technician
15 educational program pending the results of the first licensing examination
16 scheduled by the board following their graduation;

17 **SECTION 18.** In Colorado Revised Statutes, **add to article 295**
18 **as relocated by House Bill 19-1172 12-295-120** as follows:

19 **12-295-120. Confidential agreement to limit practice.**

20 (1) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, SECTION
21 12-30-108 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE
22 APPLIES TO THIS ARTICLE 295.

23 (2) THIS SECTION AND SECTION 12-30-108 DO NOT APPLY TO A
24 PSYCHIATRIC TECHNICIAN SUBJECT TO DISCIPLINE UNDER SECTION
25 12-295-111 (1)(i).

26 **SECTION 19.** In Colorado Revised Statutes, 12-255-119, **amend**
27 **as relocated by House Bill 19-1172 (3)(c)(IV)** as follows:

1 **12-255-119. Disciplinary procedures of the board - inquiry**
2 **and hearings panels - mental and physical examinations - definitions**
3 **- rules.** (3) (c) On completion of an investigation, the inquiry panel shall
4 make a finding that:

5 (IV) An instance of misconduct OCCURRED that, in the opinion of
6 the board, does not warrant formal action by the board but that should not
7 be dismissed as being without merit, in which case the board may issue
8 and send a letter of admonition ~~by certified mail,~~ to the licensee in
9 accordance with section 12-20-404 (4);

10 **SECTION 20.** In Colorado Revised Statutes, 12-30-108, **repeal**
11 **as relocated by House Bill 19-1172** (4)(a)(I)(G) as follows:

12 **12-30-108. Confidential agreement to limit practice - violation**
13 **grounds for discipline.** (4) (a) This section does not apply to:

14 (I) The following health care professionals:

15 (G) ~~Psychiatric technicians regulated pursuant to article 295 of~~
16 ~~this title 12;~~ or

17 **SECTION 21. Effective date.** This act takes effect July 1, 2019;
18 except that sections 11 through 20 of this act take effect only if House
19 Bill 19-1172 becomes law, in which case sections 11 through 20 take
20 effect on October 1, 2019.

21 **SECTION 22. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.