

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 20-0516.01 Kristen Forrestal x4217

**HOUSE BILL 20-1206**

**HOUSE SPONSORSHIP**

**Michaelson Jenet and Landgraf**, Cutter, Pelton, Young, Arndt, Bird, Buentello, Caraveo, Duran, Exum, Froelich, Kraft-Tharp, Lontine, McCluskie, Mullica, Snyder, Woodrow

**SENATE SPONSORSHIP**

Winter and Tate,

**House Committees**

Public Health Care & Human Services  
Finance  
Appropriations

**Senate Committees**

**A BILL FOR AN ACT**

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF MENTAL**  
102 **HEALTH PROFESSIONALS, AND, IN CONNECTION THEREWITH,**  
103 **IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2019**  
104 **SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**  
105 **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 - House Public Health Care and Human Services Committee.** The bill:

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.

HOUSE  
Amended 3rd Reading  
May 27, 2020

HOUSE  
Amended 2nd Reading  
May 26, 2020

- ! Continues the regulation of mental health professionals until 2029;
- ! Clarifies that mental health professionals may administer opiate antagonists;
- ! Allows the staff of a mental health board to approve applications for licensure, certification, and registration without ratification from the respective board unless the board deems ratification necessary;
- ! Clarifies that licensees, certificate holders, and registrants are not required to form a professional service corporation;
- ! Requires a mental health professional to disclose to clients that the client's medical records may not be maintained longer than 7 years;
- ! Exempts students who are enrolled in a school program and are practicing as part of a school practicum or clinical program from licensing, certification, and registration requirements;
- ! Grants title protection to additional persons practicing in the mental health field;
- ! Clarifies that a mental health professional may disclose confidential communications if there is a threat to a school or its employees and personnel;
- ! Makes the conviction of a crime that is related to mental health practice a violation of the mental health practice acts;
- ! Makes the failure to report the conviction of a felony a violation of the mental health practice acts;
- ! Clarifies that it is not a prohibited activity for a mental health professional to offer or accept payment for services provided from a referral;
- ! Authorizes the appropriate regulatory board to suspend a mental health professional's license, certification, or registration for the failure to comply with a board-ordered mental or physical examination;
- ! Allows mental health professionals to resolve certain issues informally prior to reporting a violation to the applicable board;
- ! Allows supervision of an applicant for a social worker license to be done virtually and by a person other than a licensed social worker;
- ! Repeals the requirement that a candidate for a social work license must be supervised by a licensed social worker and allows supervision as approved by the state board of social work examiners;
- ! States that, for licensed social workers or licensed clinical

- social workers, course work is the only professional competency activity that can fulfill all the continuing competency requirements;
- ! Requires applicants for psychology licensure to complete a name-based criminal history record check upon initial application;
- ! Repeals the requirements that members of the mental health boards must be United States citizens;
- ! Repeals the provision allowing a licensed mental health professional or a licensure candidate to register with the database of registered psychologists; and
- ! Grants general rule-making authority to the state board of addiction counselor examiners and requires the state board of human services in the department of human services to establish by rule education requirements for addiction counselors.

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 12-245-234  
3 as follows:

4           **12-245-234. Repeal of article - subject to review.** This article  
5 245 is repealed, effective September 1, ~~2020~~ 2029. Before the repeal, all  
6 of the boards relating to the licensing, registration, or certification of and  
7 grievances against any person licensed, registered, or certified pursuant  
8 to this article 245 are scheduled for review in accordance with section  
9 24-34-104.

10           **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**  
11 (19)(a)(III); and **add** (30)(a)(III) as follows:

12           **24-34-104. General assembly review of regulatory agencies**  
13 **and functions for repeal, continuation, or reestablishment - legislative**  
14 **declaration - repeal.** (19) (a) The following agencies, functions, or both,  
15 are scheduled for repeal on September 1, 2020:

16           (III) ~~Notwithstanding subsection (7)(a) of this section, the~~

1 ~~functions of the boards specified in article 245 of title 12, relating to the~~  
2 ~~licensing, registration, or certification of and grievances against a person~~  
3 ~~licensed, registered, or certified pursuant to article 245 of title 12;~~

4 (30) (a) The following agencies, functions, or both, are scheduled  
5 for repeal on September 1, 2029:

6 (III) NOTWITHSTANDING SUBSECTION (7)(a) OF THIS SECTION, THE  
7 FUNCTIONS OF THE BOARDS SPECIFIED IN ARTICLE 245 OF TITLE 12  
8 RELATING TO THE LICENSING, REGISTRATION, OR CERTIFICATION OF AND  
9 GRIEVANCES AGAINST A PERSON LICENSED, REGISTERED, OR CERTIFIED  
10 PURSUANT TO ARTICLE 245 OF TITLE 12.

11 **SECTION 3.** In Colorado Revised Statutes, 12-245-204, **amend**  
12 (5) as follows:

13 **12-245-204. Boards - division to supervise - meetings - duties**  
14 **- powers - rules - removal of members - limitation on authority.**

15 (5) In carrying out its duties related to the approval of applications for  
16 licensure, registration, or certification pursuant to this section, section  
17 12-245-214, and this article 245, each board shall delegate the function  
18 of the preliminary review and approval of applications to the staff of the  
19 board, with approval of an application ratified by action of the board IF  
20 RATIFICATION IS DEEMED NECESSARY BY THE BOARD. Each board, in its  
21 sole discretion, may individually review any application requiring board  
22 consideration prior to the approval of the application pursuant to section  
23 12-245-214 and this article 245.

24 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-245-210  
25 as follows:

26 **12-245-210. Drugs - medicine.** (1) Nothing in this article 245  
27 permits psychologists, social workers, marriage and family therapists,

1 licensed professional counselors, psychotherapists, and addiction  
2 counselors licensed, registered, or certified under this article 245 to  
3 administer or prescribe drugs or in any manner engage in the practice of  
4 medicine as defined by the laws of this state.

5 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A  
6 PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST,  
7 LICENSED PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR ADDICTION  
8 COUNSELOR LICENSED, REGISTERED, OR CERTIFIED UNDER THIS ARTICLE  
9 245 MAY POSSESS, FURNISH, OR ADMINISTER AN OPIATE ANTAGONIST IN  
10 ACCORDANCE WITH SECTION 12-30-110.

11 **SECTION 5.** In Colorado Revised Statutes, 12-30-110, **amend**  
12 (1)(b) introductory portion, (2)(b), (3)(c)(III), and (3)(c)(IV); and **add**  
13 (3)(c)(V) and (7)(b.5) as follows:

14 **12-30-110. Prescribing or dispensing opiate antagonists -**  
15 **authorized recipients - definitions.** (1) (b) A law enforcement agency  
16 or first responder; an employee or volunteer of a harm reduction  
17 organization; a school district, school, or employee or agent of a school;  
18 ~~or~~ a person described in section 25-20.5-1001; OR A MENTAL HEALTH  
19 PROFESSIONAL may, pursuant to an order or standing orders and protocols:

20 (2) (b) A law enforcement agency, first responder, harm reduction  
21 organization, ~~or~~ person described in section 25-20.5-1001, OR A MENTAL  
22 HEALTH PROFESSIONAL is strongly encouraged to educate ~~its~~ employees  
23 and volunteers, as well as persons receiving an opiate antagonist from the  
24 law enforcement agency, first responder, harm reduction organization, ~~or~~  
25 person described in section 25-20.5-1001, OR MENTAL HEALTH  
26 PROFESSIONAL, on the use of an opiate antagonist for overdose, including  
27 instruction concerning risk factors for overdose, recognizing an overdose,

1 calling emergency medical services, rescue breathing, and administering  
2 an opiate antagonist.

3 (3) Neither a prescriber described in subsection (7)(h)(I) of this  
4 section nor a pharmacist engages in unprofessional conduct pursuant to  
5 section 12-240-121 or 12-280-126, respectively, and a prescriber  
6 described in subsection (7)(h)(II) of this section does not engage in  
7 conduct that is grounds for discipline pursuant to section 12-255-120, if  
8 the prescriber issues standing orders and protocols regarding opiate  
9 antagonists or prescribes or dispenses, or the pharmacist dispenses,  
10 pursuant to an order or standing orders and protocols, an opiate antagonist  
11 in a good-faith effort to assist:

12 (c) The following persons in responding to, treating, or otherwise  
13 assisting an individual who is experiencing or is at risk of experiencing  
14 an opiate-related drug overdose event or a friend, family member, or other  
15 person in a position to assist an at-risk individual:

16 (III) A school district, school, or employee or agent of a school;

17 ~~or~~

18 (IV) A person described in section 25-20.5-1001; OR

19 (V) A MENTAL HEALTH PROFESSIONAL.

20 (7) As used in this section:

21 (b.5) "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST,  
22 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED  
23 PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR ADDICTION  
24 COUNSELOR LICENSED, REGISTERED, OR CERTIFIED UNDER ARTICLE 245 OF  
25 THIS TITLE 12.

26 **SECTION 6.** In Colorado Revised Statutes, 13-21-108.7, **amend**  
27 (3)(b)(I) as follows:

1           **13-21-108. Persons rendering emergency assistance through**  
2 **the administration of an opiate antagonist - limited immunity -**  
3 **legislative declaration - definitions. (3) General immunity.** (b) This  
4 subsection (3) also applies to:

5           (I) A law enforcement agency or first responder; an employee or  
6 volunteer of a harm reduction organization; ~~or~~ a school district, school,  
7 or employee or agent of a school acting in accordance with section  
8 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section  
9 22-1-119.1; OR A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION  
10 12-30-110 (7)(b.5); and

11           **SECTION 7.** In Colorado Revised Statutes, 18-1-712, **amend**  
12 **(2)(b)(I)** as follows:

13           **18-1-712. Immunity for a person who administers an opiate**  
14 **antagonist during an opiate-related drug overdose event - definitions.**

15 **(2) General immunity.** (b) This subsection (2) also applies to:

16           (I) A law enforcement agency or first responder; an employee or  
17 volunteer of a harm reduction organization; ~~or~~ a school district, school,  
18 or employee or agent of a school acting in accordance with section  
19 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section  
20 22-1-119.1; OR A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION  
21 12-30-110 (7)(b.5); and

22           **SECTION 8.** In Colorado Revised Statutes, 12-245-213, **amend**  
23 **(1)** introductory portion as follows:

24           **12-245-213. Professional service corporations for the practice**  
25 **of psychology, social work, marriage and family therapy,**  
26 **professional counseling, and addiction counseling - definitions.**

27 (1) Licensees, registrants, or certificate holders may, BUT ARE NOT

1 REQUIRED TO, form professional service corporations for the practice of  
2 psychology, social work, marriage and family therapy, professional  
3 counseling, psychotherapy, or addiction counseling under the "Colorado  
4 Business Corporation Act", articles 101 to 117 of title 7, if the  
5 corporations are organized and operated in accordance with this section.  
6 The articles of incorporation of a professional service corporation formed  
7 pursuant to this section must contain provisions complying with the  
8 following requirements:

9 **SECTION 9.** In Colorado Revised Statutes, 12-245-214, **amend**  
10 **(2)** as follows:

11 **12-245-214. Denial of license, registration, or certification -**  
12 **reinstatement.** (2) If a board determines that an applicant does not  
13 possess the applicable qualifications required by this article 245 or, for a  
14 licensed clinical social worker, licensed social worker, licensed marriage  
15 and family therapist, licensed professional counselor, licensed addiction  
16 counselor, or ~~level II or III~~ certified addiction counselor, is unable to  
17 demonstrate ~~his or her~~ continued professional competence as required by  
18 section 12-245-410, 12-245-506, 12-245-606, or 12-245-806,  
19 respectively, the board may deny the applicant a license, registration, or  
20 certification or deny the reinstatement of a license, registration, or  
21 certification. If the application is denied, the board shall provide the  
22 applicant with a statement in writing setting forth the basis of the board's  
23 determination that the applicant does not possess the qualifications or  
24 professional competence required by this article 245. The applicant may  
25 request a hearing on the determination as provided in section 24-4-104  
26 (9).

27 **SECTION 10.** In Colorado Revised Statutes, 12-245-216, **amend**



1 (1)(d)(IV) and (1)(e); and **add** (1)(f) as follows:

2 **12-245-216. Mandatory disclosure of information to clients.**

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

6 (d) A statement indicating that:

7 (IV) The information provided by the client during therapy  
8 sessions is legally confidential in the case of licensed marriage and family  
9 therapists AND LICENSED MARRIAGE AND FAMILY THERAPIST CANDIDATES,  
10 LICENSED social workers AND LICENSED SOCIAL WORKER CANDIDATES,  
11 LICENSED professional counselors AND LICENSED PROFESSIONAL  
12 COUNSELOR CANDIDATES, and LICENSED psychologists AND LICENSED  
13 PSYCHOLOGIST CANDIDATES; licensed or certified addiction counselors  
14 AND LICENSED OR CERTIFIED ADDICTION COUNSELOR CANDIDATES; and  
15 ~~registered~~ UNLICENSED psychotherapists, except as provided in section  
16 12-245-220 and except for certain legal exceptions that will be identified  
17 by the licensee, registrant, or certificate holder should any such situation  
18 arise during therapy; ~~and~~

19 (e) If the mental health professional is a ~~registered~~ UNLICENSED  
20 psychotherapist, a statement indicating that a registered psychotherapist  
21 is a psychotherapist listed in the state's database and is authorized by law  
22 to practice psychotherapy in Colorado but is not licensed by the state and  
23 is not required to satisfy any standardized educational or testing  
24 requirements to obtain a registration from the state; AND

25 (f) A STATEMENT INDICATING THAT A CLIENT'S RECORDS MAY NOT  
26 BE MAINTAINED AFTER SEVEN YEARS PURSUANT TO SECTION 12-245-226  
27 (1)(a)(II)(A).

1           **SECTION 11.** In Colorado Revised Statutes, 12-245-217, **amend**  
2           (2)(e)(IV); and **add** (2)(g) and (2)(h) as follows:

3           **12-245-217. Scope of article - exemptions.** (2) The provisions  
4           of this article 245 shall not apply to:

5           (e) A person who resides in another state and who is currently  
6           licensed or certified as a psychologist, marriage and family therapist,  
7           clinical social worker, professional counselor, or addiction counselor in  
8           that state to the extent that the licensed or certified person performs  
9           activities or services in this state, if the activities and services are:

10           (IV) Disclosed to the public that the person is not licensed or  
11           certified in this state; ~~or~~

12           [REDACTED]  
13           (g) STUDENTS WHO ARE ENROLLED IN A SCHOOL PROGRAM AND  
14           ARE PRACTICING AS PART OF A SCHOOL PRACTICUM OR CLINICAL  
15           PROGRAM; OR

16           (h) A PROFESSIONAL PRACTICING AURICULAR ACUDETUX IN  
17           ACCORDANCE WITH SECTION 12-245-233.

18           **SECTION 12.** In Colorado Revised Statutes, **amend** 12-245-218  
19           as follows:

20           **12-245-218. Title use restrictions.** (1) A psychologist, social  
21           worker, marriage and family therapist, professional counselor,  
22           PSYCHOTHERAPIST, or addiction counselor may only use the title for  
23           which ~~he or she~~ THE PERSON is licensed, certified, or registered under this  
24           article 245 OR FOR WHICH THE PERSON HAS OBTAINED THE REQUIRED  
25           CREDENTIALS. Except as provided in section 12-245-306 (3), no other  
26           person shall:

27           (a) Hold himself or herself out to the public by any title or

1 description of services incorporating the terms "licensed clinical social  
2 worker", "clinical social worker", "LCSW", "licensed social worker",  
3 "LSW", "PROVISIONAL SOCIAL WORKER", "SWP", "marriage and family  
4 therapist", "LMFT", "MFT", "MARRIAGE AND FAMILY THERAPIST  
5 CANDIDATE", "MFT CANDIDATE", "MFTC", "professional counselor",  
6 "LICENSED PROFESSIONAL COUNSELOR", "LPC", "LICENSED PROFESSIONAL  
7 COUNSELOR CANDIDATE", "LPCC", "PROVISIONAL LICENSED  
8 PROFESSIONAL COUNSELOR", "psychologist", "PROVISIONAL  
9 PSYCHOLOGIST", "psychologist candidate", "psychology",  
10 "psychological", "UNLICENSED PSYCHOTHERAPIST", "addiction counselor",  
11 "licensed addiction counselor", "LAC", "certified addiction counselor",  
12 or "CAC"; ~~and no other person shall;~~ OR

13 (b) State or imply that ~~he or she~~ THE PERSON is licensed,  
14 CERTIFIED, OR REGISTERED to practice social work, marriage and family  
15 therapy, professional counseling, psychology, PSYCHOTHERAPY, or  
16 addiction counseling.

17 (2) Nothing in this section shall prohibit a person from stating or  
18 using the educational degrees that the person has obtained.

19 **SECTION 13.** In Colorado Revised Statutes, 12-245-220, **amend**  
20 (2) introductory portion and (2)(d)(IV)(B); and **repeal** (6) as follows:

21 **12-245-220. Disclosure of confidential communications -**  
22 **definitions.** (2) Subsection (1) of this section does not apply AND A  
23 PERSON MAY DISCLOSE CONFIDENTIAL INFORMATION when:

24 (d) (IV) (B) ~~Notwithstanding subsection (6) of this section,~~ This  
25 subsection (2)(d) applies to covered entities, as defined in HIPAA.

26 (6) ~~This section does not apply to covered entities, their business~~  
27 ~~associates, or health oversight agencies, as each is defined in the federal~~

1 ~~"Health Insurance Portability and Accountability Act of 1996", as~~  
2 ~~amended by the federal "Health Information Technology for Economic~~  
3 ~~and Clinical Health Act", Pub.L. 111-5, as amended, and the respective~~  
4 ~~implementing regulations.~~

5 **SECTION 14.** In Colorado Revised Statutes, 12-245-224, **amend**  
6 (1)(a), (1)(o), and (1)(q) as follows:

7 **12-245-224. Prohibited activities - related provisions -**  
8 **definition.** (1) A person licensed, registered, or certified under this  
9 article 245 violates this article 245 if the person:

10 (a) (I) (A) Has been convicted of or pled guilty or nolo contendere  
11 to a felony OR TO ANY CRIME RELATED TO THE PERSON'S PRACTICE, or  
12 received a deferred sentence to a felony charge. A certified copy of the  
13 judgment of a court of competent jurisdiction of the conviction or plea is  
14 conclusive evidence of the conviction or plea. In considering the  
15 disciplinary action, each board is governed by sections 12-20-202 (5) and  
16 24-5-101.

17 (B) HAS FAILED TO REPORT TO THE BOARD THAT REGULATES THE  
18 PERSON'S PROFESSION OF A CONVICTION OF A CRIME RELATED TO THE  
19 PERSON'S PRACTICE WITHIN THIRTY DAYS AFTER THE CONVICTION.

20 (II) A FELONY, DEFERRED SENTENCE, OR FELONY CHARGE THAT IS  
21 NONVIOLENT, INCLUDING A NONVIOLENT DRUG OFFENSE THAT OCCURRED  
22 FIVE OR MORE YEARS BEFORE THE DATE THAT THE INITIAL LICENSE,  
23 REGISTRATION, OR CERTIFICATE IS ISSUED IS NOT A VIOLATION OF THIS  
24 ARTICLE 245 AND DOES NOT NEED TO BE DISCLOSED TO THE BOARD.

25 (o) Has accepted commissions or rebates or other forms of  
26 remuneration for referring clients to other professional persons, UNLESS  
27 THE REMUNERATION IS BASED ON SERVICES PROVIDED, INCLUDING

1     ~~MARKETING, OFFICE SPACE, ADMINISTRATIVE, CONSULTATIVE, AND~~  
2     ~~CLINICAL SERVICES, AND NOT FOR THE REFERRAL ITSELF;~~

3             (q) Has offered or given commissions, rebates, or other forms of  
4     remuneration for the referral of clients ~~except that~~ UNLESS THE OFFER OR  
5     REMUNERATION WAS FOR SERVICES ~~PROVIDED, INCLUDING MARKETING,~~  
6     ~~OFFICE SPACE, ADMINISTRATIVE, CONSULTATIVE, AND CLINICAL SERVICES,~~  
7     AND NOT FOR THE REFERRAL ITSELF. A licensee, registrant, or certificate  
8     holder may pay an independent advertising or marketing agent  
9     compensation for advertising or marketing services rendered on the  
10    person's behalf by the agent, including compensation that is paid for the  
11    results of performance of the services on a per-patient basis.

12            **SECTION 15.** In Colorado Revised Statutes, 12-245-226, **amend**  
13    ~~(2)(d)(I) and (4)(a); repeal (4)(b); and add (9)~~ as follows:

14            **12-245-226. Disciplinary proceedings - judicial review - mental**  
15    **and physical examinations - multiple licenses.** (2) (d) (I) If a board has  
16    reasonable cause to believe that a licensee, registrant, or certificate holder  
17    whom the board licenses, registers, or certifies pursuant to this article 245  
18    is unable to practice with reasonable skill and safety to patients, the board  
19    may require the licensee, registrant, or certificate holder to submit to  
20    mental or physical examinations designated by the board. Upon the  
21    failure of the licensee, registrant, or certificate holder to submit to a  
22    mental or physical examination, and unless the person shows good cause  
23    for the failure, the board may ~~act pursuant to subsection (2)(c) of this~~  
24    ~~section or enjoin a licensee, registrant, or certificate holder pursuant to~~  
25    ~~section 12-245-230~~ SUSPEND THE LICENSE, CERTIFICATION, OR  
26    REGISTRATION OF THE PERSON until the person submits to the required  
27    examinations.

1           ~~(4) (a) Except as provided in subsection (4)(b) of this section, if~~  
2 ~~a complaint is dismissed~~ FOR RECORDS OF DISCIPLINARY ACTION TAKEN  
3 BY THE BOARD PURSUANT TO THIS SECTION, records of investigations,  
4 examinations, hearings, meetings, and other proceedings of the board  
5 conducted pursuant to this section are exempt from the open records law,  
6 article 72 of title 24.

7           ~~(b) The exemption from the open records law specified in~~  
8 ~~subsection (4)(a) of this section does not apply:~~

9           ~~(I) When a decision to proceed with a disciplinary action has been~~  
10 ~~agreed upon by a majority of the members of the applicable board and a~~  
11 ~~notice of formal complaint is drafted and served on the licensee,~~  
12 ~~registrant, or certificate holder by first-class mail; or~~

13           ~~(II) Upon final agency action.~~

14  
15           (9) A BOARD THAT ISSUES A LETTER OF ADMONITION TO A PERSON  
16 PURSUANT TO SECTION 12-20-404 (4) SHALL KEEP THE LETTER  
17 CONFIDENTIAL AND NOT DISCLOSE THE LETTER TO THE PUBLIC OR IN ANY  
18 COURT ACTION FIVE YEARS AFTER THE DATE THE LETTER IS ISSUED  
19 UNLESS:

20           (a) THE BOARD IS A PARTY TO AN ACTION WHERE THE LETTER OF  
21 ADMONITION IS AT ISSUE; OR

22           (b) THE PERSON WHO RECEIVED THE LETTER OF ADMONITION HAS  
23 SUBSEQUENTLY BEEN SUBJECT TO DISCIPLINARY ACTION BY THE BOARD.

24           **SECTION 16.** In Colorado Revised Statutes, 12-245-233, **amend**  
25 (1), (2), and (4) as follows:

26           **12-245-233. Auricular acudetox by professionals - training -**  
27 **definition.** (1) A mental health care professional who has provided

1 documentation that he or she has been trained to perform auricular  
2 acudetox in accordance with subsection (4) of this section may perform  
3 auricular acudetox if the auricular acudetox is performed under the mental  
4 health care professional's current scope of practice, and the mental health  
5 professional is:

- 6 (a) Licensed pursuant to this article 245;
- 7 (b) Certified as a level III addiction counselor pursuant to part 8  
8 of this article 245; or
- 9 (c) Registered as a psychotherapist pursuant to part 7 of this  
10 article 245.

11 (2) A mental health care professional performing auricular  
12 acudetox pursuant to subsection (1) of this section shall not use the title  
13 "acupuncturist" or otherwise claim to be a person qualified to perform  
14 acupuncture beyond the scope of this section.

15 (4) In order to perform auricular acudetox pursuant to subsection  
16 (1) of this section, a mental health care professional must successfully  
17 complete a training program in auricular acudetox for the treatment of  
18 substance use disorders that meets or exceeds standards of training  
19 established by the National Acupuncture Detoxification Association or  
20 another organization approved by the director.

21 **SECTION 17.** In Colorado Revised Statutes, 12-245-404, **amend**  
22 (2)(c) and (4) as follows:

23 **12-245-404. Qualifications - examination - licensure and**  
24 **registration.** (2) The board shall license as a licensed clinical social  
25 worker a person who files an application, in a form and manner required  
26 by the board, submits the fee required by the board pursuant to section  
27 12-245-205, and submits evidence satisfactory to the board that the

1 applicant:

2 (c) Has practiced social work for at least two years under the  
3 VIRTUAL OR IN-PERSON supervision of a licensed clinical social worker OR  
4 OTHER PERSON WITH EQUIVALENT EXPERIENCE AS DETERMINED BY THE  
5 BOARD, which practice includes training and work experience in the area  
6 of clinical social work practice; and

7 (4) (a) ~~A person licensed as a licensed social worker pursuant to  
8 subsection (1) of this section may, but is not required to, register with the  
9 database of registered psychotherapists pursuant to section 12-245-703.~~

10 THE BOARD SHALL REGISTER AS A CLINICAL SOCIAL WORKER CANDIDATE  
11 A PERSON WHO FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED  
12 BY THE FEE REQUIRED BY SECTION 12-245-205, WHO IS NOT IN VIOLATION  
13 OF ANY PROVISION OF THIS ARTICLE 245 OR ANY RULES PROMULGATED BY  
14 THE BOARD, AND WHO:

15 (I) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT THE  
16 PERSON HAS MET THE REQUIREMENTS OF SUBSECTIONS (2)(a) AND (2)(b)  
17 OF THIS SECTION; AND

18 (II) HAS NOT PREVIOUSLY REGISTERED AS A CLINICAL SOCIAL  
19 WORKER CANDIDATE BY THE BOARD.

20 (b) A CLINICAL SOCIAL WORKER CANDIDATE REGISTERED  
21 PURSUANT TO THIS SUBSECTION (4) IS UNDER THE JURISDICTION OF THE  
22 BOARD. IF THE REQUIREMENTS OF SUBSECTIONS (2)(c) AND (2)(d) OF THIS  
23 SECTION ARE NOT MET WITHIN FOUR YEARS AFTER THE DATE OF  
24 REGISTRATION AS A CANDIDATE, THE REGISTRATION OF THE CLINICAL  
25 SOCIAL WORKER CANDIDATE EXPIRES AND IS NOT RENEWABLE UNLESS THE  
26 BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A  
27 PERSON WHOSE CLINICAL SOCIAL WORKER CANDIDATE REGISTRATION



1 EXPIRES IS NOT PRECLUDED FROM APPLYING FOR LICENSURE OR  
2 REGISTRATION WITH ANY OTHER MENTAL HEALTH BOARD FOR WHICH THE  
3 PERSON IS QUALIFIED.

4 **SECTION 18.** In Colorado Revised Statutes, 12-245-406, **amend**  
5 (3) as follows:

6 **12-245-406. Scope of part.** (3) No person may supervise the  
7 practice of social work for the purpose of licensure compliance or  
8 disciplinary proceedings unless ~~licensed~~ APPROVED BY THE BOARD  
9 pursuant to section 12-245-404. ~~except that, in cases where no licensed~~  
10 ~~clinical social worker is available for supervision for licensure, the~~  
11 ~~licensee may apply to the board for approval to be supervised by a person~~  
12 ~~with equivalent experience as determined by the board.~~

13 **SECTION 19.** In Colorado Revised Statutes, **amend** 12-245-408  
14 as follows:

15 **12-245-408. Clinical social work practice of psychotherapy.**  
16 For the purpose of licensure, the practice, under this part 4, of  
17 psychotherapy and other clinical activities within the definition of social  
18 work practice in section 12-245-403 is limited to licensed clinical social  
19 workers or licensed social workers supervised ~~by licensed clinical social~~  
20 ~~workers~~ IN ACCORDANCE WITH SECTION 12-245-404 (2)(c).

21 **SECTION 20.** In Colorado Revised Statutes, 12-245-410, **amend**  
22 (1)(b)(III) as follows:


23 **12-245-410. Continuing professional competency - rules -**  
24 **definition.** (1) (b) The board shall adopt rules establishing a continuing  
25 professional competency program that includes, at a minimum, the  
26 following elements:

27 (III) Periodic demonstration of knowledge and skills through

1 documentation of activities necessary to ensure at least minimal ability to  
2 safely practice the profession. COURSE WORK PROVIDED BY AN  
3 ACCREDITED EDUCATIONAL INSTITUTION OR A NATIONALLY OR  
4 REGIONALLY RECOGNIZED PROFESSIONAL ORGANIZATION IS THE ONLY ONE  
5 OF A NUMBER OF CONTINUING PROFESSIONAL COMPETENCY ACTIVITIES  
6 THAT MAY SATISFY THE FULL CONTINUING COMPETENCY REQUIREMENT.  
7 Nothing in this subsection (1)(b)(III) shall require a licensed clinical  
8 social worker or a licensed social worker to retake any examination  
9 required pursuant to section 12-245-404 in connection with initial  
10 licensure.

11 **SECTION 21.** In Colorado Revised Statutes, 12-245-302, **amend**  
12 **(2) introductory portion and (3) as follows:**

13 **12-245-302. State board of psychologist examiners - created**  
14 **- members - terms.** (2) The board consists of seven members who are  
15 ~~citizens of the United States and~~ residents of the state of Colorado as  
16 follows:

17   
18 (3) (a) Each board member shall hold office until the expiration  
19 of the member's appointed term or until a successor is duly appointed.  
20 ~~Except as specified in subsection (3)(b) of this section,~~ The term of each  
21 member shall be four years, and no board member shall serve more than  
22 two full consecutive terms. Any vacancy occurring in board membership  
23 other than by expiration of a term shall be filled by the governor by  
24 appointment for the unexpired term of the member.

25 (b) ~~The terms of office of the members on the board are modified~~  
26 ~~as follows in order to ensure staggered terms of office:~~

27 (f) ~~The second term of office of the licensed psychologist board~~

1 ~~member and one of the two board members representing the general~~  
2 ~~public, whose second term would otherwise expire on June 30, 2010,~~  
3 ~~shall expire on May 31, 2008, and the governor shall appoint one new~~  
4 ~~licensed psychologist and one new representative of the general public to~~  
5 ~~serve terms as described in subsection (3)(a) of this section commencing~~  
6 ~~on June 1, 2008.~~

7 ~~(H) The initial term of office of the one board member~~  
8 ~~representing the general public whose initial term would otherwise expire~~  
9 ~~on June 30, 2009, shall expire on May 31, 2009, and the board member~~  
10 ~~is eligible to serve one additional four-year term commencing on June 1,~~  
11 ~~2009, and expiring on May 31, 2013. On and after the expiration of this~~  
12 ~~board member's term or a vacancy in this position, the governor shall~~  
13 ~~appoint a licensed psychologist to this position on the board, who is~~  
14 ~~eligible to serve terms as described in subsection (3)(a) of this section~~  
15 ~~commencing on June 1 of the applicable year.~~

16 ~~(HI) The initial term of office of one of the two licensed~~  
17 ~~psychologist board members whose initial term would otherwise expire~~  
18 ~~on June 30, 2010, shall expire on May 31, 2009. This board member shall~~  
19 ~~be eligible to serve one additional four-year term, commencing on June~~  
20 ~~1, 2009, and expiring on May 31, 2013. On and after the expiration of this~~  
21 ~~board member's term, persons appointed to this position on the board~~  
22 ~~shall serve terms as described in subsection (3)(a) of this section~~  
23 ~~commencing on June 1 of the applicable year.~~

24 ~~(IV) The initial terms of office of the remaining licensed~~  
25 ~~psychologist board member and the other board member representing the~~  
26 ~~general public, whose initial terms would otherwise expire on June 30,~~  
27 ~~2010, shall expire on May 31, 2010. Each of these board members shall~~

1 be eligible to serve one additional four-year term commencing on June 1,  
2 2010, and expiring on May 31, 2014. On and after the expiration of these  
3 board members' terms, persons appointed to these positions on the board  
4 shall serve terms as described in subsection (3)(a) of this section  
5 commencing on June 1 of the applicable year.

6 (V) The second term of office of the remaining board member  
7 representing the general public whose second term would otherwise  
8 expire on June 30, 2010, shall expire on May 31, 2010. The governor  
9 shall appoint one new representative of the general public to serve terms  
10 as described in subsection (3)(a) of this section commencing on June 1,  
11 2010.

12 **SECTION 22.** In Colorado Revised Statutes, 12-245-304, **amend**  
13 (1)(d) and (1)(e); and **add** (1)(f) as follows:

14 **12-245-304. Qualifications - examinations - licensure.** (1) The  
15 board shall issue a license as a psychologist to each applicant who files  
16 an application in a form and manner required by the board, submits the  
17 fee required by the board pursuant to section 12-245-205, and furnishes  
18 evidence satisfactory to the board that the applicant:

19 (d) Has had at least one year of postdoctoral experience practicing  
20 psychology under supervision approved by the board; ~~and~~

21 (e) Demonstrates professional competence by passing a single,  
22 written examination in psychology as prescribed by the board and a  
23 jurisprudence examination administered by the division; AND

24 (f) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(f),  
25 UPON THE INITIAL APPLICATION FOR LICENSURE HAS COMPLETED A  
26 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
27 22-2-119.3 (6)(d), WITH SATISFACTORY RESULTS AS DETERMINED BY THE

1 BOARD.

2 **SECTION 23.** In Colorado Revised Statutes, 12-245-402, **amend**  
3 (1) as follows:

4 **12-245-402. State board of social work examiners - created -**  
5 **members - terms.** (1) There is hereby created under the supervision and  
6 control of the division the state board of social work examiners, which  
7 ~~shall consist~~ CONSISTS of seven members who are ~~citizens of the United~~  
8 ~~States and~~ residents of the state of Colorado.

9 **SECTION 24.** In Colorado Revised Statutes, 12-245-502, **amend**  
10 (1) as follows:

11 **12-245-502. State board of marriage and family therapist**  
12 **examiners - created - members - terms.** (1) There is hereby created  
13 under the supervision and control of the division the state board of  
14 marriage and family therapist examiners, which ~~shall consist~~ CONSISTS of  
15 seven members who are ~~citizens of the United States and~~ residents of the  
16 state of Colorado.

17 **SECTION 25.** In Colorado Revised Statutes, 12-245-601, **add**  
18 (1.5) and (2.5) as follows:

19 **12-245-601. Definitions.** As used in this part 6, unless the context  
20 otherwise requires:

21 (1.5) "CLINICAL SUPERVISION" MEANS SUPERVISION PROVIDED BY  
22 A LICENSED PROFESSIONAL COUNSELOR SUPERVISOR, LICENSED  
23 PSYCHOLOGIST, LICENSED MARRIAGE AND FAMILY THERAPIST, LICENSED  
24 CLINICAL SOCIAL WORKER, OR LICENSED ADDICTION COUNSELOR; THAT IS  
25 NOT ADMINISTRATIVE IN NATURE; AND THAT MAY INCLUDE A  
26 COLLABORATIVE RELATIONSHIP THAT PROMOTES THE EDUCATION,  
27 GROWTH, AND DEVELOPMENT OF A LICENSED PROFESSIONAL COUNSELOR

1 APPLICANT AND PROVIDES FOR THE EVALUATION OF THE APPLICANT'S  
2 CLINICAL PERFORMANCE AND COMPETENCY.

3 (2.5) "LICENSED PROFESSIONAL COUNSELOR SUPERVISOR" MEANS  
4 A LICENSED PROFESSIONAL COUNSELOR WHO HAS RECEIVED EDUCATION  
5 AND TRAINING IN THE CLINICAL SUPERVISION OF MENTAL HEALTH  
6 PROFESSIONALS AS DETERMINED BY THE BOARD.

7 **SECTION 26.** In Colorado Revised Statutes, 12-245-602, **amend**  
8 (1) as follows:

9 **12-245-602. State board of licensed professional counselor**  
10 **examiners - created - members - fines.** (1) There is hereby created the  
11 state board of licensed professional counselor examiners under the  
12 supervision and control of the division. The board ~~shall consist~~ CONSISTS  
13 of seven members who are ~~citizens of the United States and~~ residents of  
14 the state of Colorado.

15 **SECTION 27.** In Colorado Revised Statutes, 12-245-501, **add**  
16 (2.5) as follows:

17 **12-245-501. Definitions.** As used in this part 5, unless the context  
18 otherwise requires:

19 (2.5) "CLINICAL SUPERVISION" MEANS:

20 (a) THE EVALUATION AND MODIFICATION OR APPROVAL BY A  
21 SUPERVISOR OF THE CLINICAL PRACTICE OF THE PERSON BEING  
22 SUPERVISED; AND

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

25 **SECTION 28.** In Colorado Revised Statutes, 12-245-504, **amend**  
26 (1)(d) as follows:

27 **12-245-504. Qualifications - examination - licensure and**

1 **registration.** (1) The board shall issue a license as a marriage and family  
2 therapist to each applicant who files an application in a form and manner  
3 required by the board, submits the fee required by the board pursuant to  
4 section 12-245-205, and furnishes evidence satisfactory to the board that  
5 the applicant:

6 (d) Subsequent to completing ~~his or her~~ THE APPLICANT'S master's  
7 or doctoral degree, has had at least two years of post-master's or one year  
8 of postdoctoral practice in individual and marriage and family therapy,  
9 including at least one thousand five hundred hours of face-to-face direct  
10 client contact as determined by the board for the purpose of assessment  
11 and intervention under ~~board-approved~~ CLINICAL supervision THAT MAY  
12 BE IN-PERSON OR TELESUPERVISION; and

13 **SECTION 29.** In Colorado Revised Statutes, 12-245-604, **amend**  
14 (1)(d) as follows:

15 **12-245-604. Licensure - examination - licensed professional**  
16 **counselors.** (1) The board shall issue a license as a licensed professional  
17 counselor to each applicant who files an application in a form and manner  
18 required by the board, submits the fee required by the board pursuant to  
19 section 12-245-205, and furnishes evidence satisfactory to the board that  
20 the applicant:

21 (d) (I) Has at least two years of post-master's practice or one year  
22 of postdoctoral practice in licensed professional counseling under  
23 CLINICAL supervision; ~~approved by the board;~~ and

24 (II) HAS AT LEAST TWO THOUSAND HOURS OF PRACTICE IN  
25 COUNSELING, INCLUDING AT LEAST ONE THOUSAND FIVE HUNDRED HOURS  
26 OF FACE-TO-FACE DIRECT CLIENT CONTACT UNDER CLINICAL SUPERVISION  
27 THAT IS IN-PERSON OR IS TELESUPERVISION; AND

1           **SECTION 30.** In Colorado Revised Statutes, 12-245-604, **add** (5)  
2 as follows:

3           **12-245-604. Licensure - examination - licensed professional**  
4 **counselors.** (5) (a) IF AN APPLICANT HAS COMPLETED AN EQUIVALENT  
5 PROGRAM AS DETERMINED BY THE BOARD PURSUANT TO SUBSECTION  
6 (1)(c) OF THIS SECTION, THE BOARD SHALL NOT PLACE ADDITIONAL  
7 REQUIREMENTS, BARRIERS, OR BURDENS RELATED TO LICENSURE OR  
8 SUPERVISION ON THE APPLICANT.

9           (b) THE BOARD SHALL NOT GIVE PREFERENCE CONCERNING  
10 LICENSURE, SUPERVISION, OR OTHER REQUIREMENTS OF THIS PART 6 TO AN  
11 APPLICANT WHO HAS COMPLETED A MASTER'S OR DOCTORAL DEGREE IN  
12 PROFESSIONAL COUNSELING FROM AN ACCREDITED SCHOOL OR COLLEGE  
13 PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION BASED UPON THE  
14 ACCREDITING ORGANIZATION.

15           **SECTION 31.** In Colorado Revised Statutes, 12-245-701, **amend**  
16 (1) as follows:

17           **12-245-701. Definitions.** As used in this part 7, unless the context  
18 otherwise requires:

19           (1) "Board" means the state board of ~~registered~~ UNLICENSED  
20 psychotherapists created by section 12-245-702.

21           **SECTION 32.** In Colorado Revised Statutes, 12-245-702, **amend**  
22 (1), (3), and (4) as follows:

23           **12-245-702. State board of unlicensed psychotherapists -**  
24 **creation - membership.** (1) There is hereby created the state board of  
25 ~~registered~~ UNLICENSED psychotherapists, which ~~shall be~~ IS under the  
26 supervision and control of the division as provided in section 12-20-103  
27 (2). The board ~~shall consist~~ CONSISTS of seven members who are residents



1 of the state of Colorado.

2 (3) Four members of the board must be ~~registered~~ UNLICENSED  
3 psychotherapists. The governor shall appoint members to the board to  
4 serve terms of four years.

5 (4) Members of the state board of ~~registered~~ UNLICENSED  
6 psychotherapists appointed under subsection (2) or (3) of this section may  
7 serve two full consecutive terms.

8 **SECTION 33.** In Colorado Revised Statutes, 12-245-703, **amend**  
9 (1), (2), (3), and (4) as follows:

10 **12-245-703. Database of unlicensed psychotherapists -**  
11 **unauthorized practice - penalties - data collection.** (1) The board shall  
12 maintain a database of all ~~registered~~ UNLICENSED psychotherapists. The  
13 board shall charge a fee in the same manner as authorized in section  
14 12-20-105 for recording information in the database as required by this  
15 section. Information in the database maintained pursuant to this section  
16 is open to public inspection at all times.

17 (2) A person who: Is licensed pursuant to part 3, 4, 5, 6, or 8 of  
18 this article 245; is registered as a psychologist candidate, licensed social  
19 worker, marriage and family therapist candidate, or professional  
20 counselor candidate; or is enrolled in a professional training program at  
21 an approved school and actively working toward acquiring and  
22 demonstrating the necessary qualifications for licensure set forth in  
23 section 12-245-304, 12-245-404, 12-245-504, 12-245-604, or 12-245-804  
24 may, but is not required to, register with the database of ~~registered~~  
25 UNLICENSED psychotherapists.

26 (3) (a) ~~Any~~ BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (3),  
27 AS AMENDED, A person not otherwise licensed, registered, or certified

1 pursuant to this article 245 who is practicing psychotherapy in this state  
2 shall register with the board by submitting ~~his or her~~ THE PERSON'S name,  
3 current address, educational qualifications, disclosure statements,  
4 therapeutic orientation or methodology, or both, and years of experience  
5 in each specialty area. Upon receipt and review of the required  
6 information, the board may approve the psychotherapist for registration  
7 in the database required by subsection (1) of this section. ~~A registered~~ AN  
8 UNLICENSED psychotherapist shall update this information upon renewal  
9 of ~~his or her~~ THE PRACTITIONER'S registration and at other times and under  
10 conditions specified by the board by rule. At the time of recording the  
11 information required by this section, the ~~registered~~ UNLICENSED  
12 psychotherapist shall indicate whether ~~he or she~~ THE UNLICENSED  
13 PSYCHOTHERAPIST has been convicted of, or entered a plea of guilty or  
14 nolo contendere to, any felony or misdemeanor.

15 (b) A PERSON REGISTERED AS AN UNLICENSED PSYCHOTHERAPIST  
16 PURSUANT TO THIS PART 7 BEFORE THE EFFECTIVE DATE OF THIS  
17 SUBSECTION (3), AS AMENDED, AND WHO MEETS THE REQUIREMENTS OF  
18 THIS SECTION MAY RENEW HIS OR HER REGISTRATION AND CONTINUE TO  
19 PRACTICE AS AN UNLICENSED PSYCHOTHERAPIST.

20 (4) An unlicensed person whose primary practice is psychotherapy  
21 or who holds himself or herself out to the public as able to practice  
22 psychotherapy for compensation shall not practice psychotherapy unless  
23 the person is registered with the board and included in the database  
24 required by this section. Notwithstanding the requirements of this section,  
25 ~~a registered psychotherapist~~ AN UNLICENSED PSYCHOTHERAPIST shall not  
26 use the term "licensed", "certified", "clinical", "state-approved", or any  
27 other term or abbreviation that would falsely give the impression that the

1 psychotherapist or the service that is being provided is recommended by  
2 the state, based solely on inclusion in the database.

3 **SECTION 34.** In Colorado Revised Statutes, 12-245-801, **amend**  
4 (6) as follows:

5 **12-245-801. Definitions.** As used in this part 8, unless the context  
6 otherwise requires:

7 (6) "Certified" means certified as an ~~addiction counselor certified~~  
8 ~~at level I, II, or III~~ ADDICTION TECHNICIAN OR ADDICTION SPECIALIST.

9 **SECTION 35.** In Colorado Revised Statutes, 12-245-802, **amend**  
10 (2) introductory portion as follows:

11 **12-245-802. State board of addiction counselor examiners -**  
12 **created - members - terms.** (2) The board consists of seven members  
13 who are ~~citizens of the United States and~~ residents of the state of  
14 Colorado. The governor shall appoint the members of the board as  
15 follows:

16 **SECTION 36.** In Colorado Revised Statutes, 12-245-804, **amend**  
17 (3) as follows:

18 **12-245-804. Requirements for licensure and certification -**  
19 **rules.** (3) The state board of ~~human services in the department of human~~  
20 ~~services~~ ADDICTION COUNSELOR EXAMINERS shall promulgate rules ~~with~~  
21 ~~approval of the board,~~ for certification of addiction counselors; EXCEPT  
22 THAT THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF  
23 HUMAN SERVICES SHALL ESTABLISH BY RULE EDUCATION REQUIREMENTS  
24 FOR CERTIFICATION in accordance with section 27-80-108 (1)(e).

25 **SECTION 37.** In Colorado Revised Statutes, 12-245-804, **amend**  
26 (1)(d)(I), (1)(e), (1)(g), and (2)(c); and **add** (3.5) and (3.7) as follows:

27 **12-245-804. Requirements for licensure and certification -**

1 **rules.** (1) The board shall issue a license as an addiction counselor to an  
2 applicant who files an application in the form and manner required by the  
3 board, submits the fee required by the board pursuant to section  
4 12-245-205, and submits evidence satisfactory to the board that the  
5 applicant:

6 (d) Demonstrates professional competence by:

7 (I) ~~Passing a national~~ THE MASTER ADDICTION COUNSELOR  
8 examination ~~demonstrating special knowledge and skills in behavioral~~  
9 ~~health disorders counseling as determined by the office of behavioral~~  
10 ~~health in the department of human services and approved by the board~~  
11 ADMINISTERED BY THE NATIONAL ASSOCIATION FOR ALCOHOLISM AND  
12 DRUG ABUSE COUNSELORS, OR AN EQUIVALENT EXAMINATION  
13 ADMINISTERED BY A SUCCESSOR ORGANIZATION; and

14 (e) Has met the requirements for a certificate of addiction  
15 ~~counseling, level III~~ SPECIALIST;

16 (g) Has completed at least ~~five~~ THREE thousand hours of clinically  
17 supervised work experience IN THE ADDICTION FIELD WITH A MINIMUM OF  
18 TWO THOUSAND DIRECT CLINICAL HOURS. THE CLINICAL SUPERVISION MAY  
19 BE IN-PERSON OR TELESUPERVISION.

20 (2) The board shall issue a certification as an addiction counselor  
21 to an applicant who files an application in the form and manner required  
22 by the board, submits the fee required by the board pursuant to section  
23 12-245-205, and submits evidence satisfactory to the board that the  
24 applicant:

25 (c) Has met the requirements for certification ~~at a particular~~  
26 ~~certification level~~ AS A CERTIFIED ADDICTION TECHNICIAN OR A CERTIFIED  
27 ADDICTION SPECIALIST as specified in rules adopted pursuant to

1 subsection (3) of this section by the state board of human services in the  
2 department of human services AND AS SPECIFIED IN SUBSECTION (3.5) OF  
3 THIS SECTION.

4 (3.5) IN THE RULES PROMULGATED PURSUANT TO SUBSECTION (3)  
5 OF THIS SECTION, THE STATE BOARD SHALL REQUIRE THAT:

6 (a) A CERTIFIED ADDICTION TECHNICIAN:

7 (I) HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT;

8 (II) ACCRUED A MINIMUM OF ONE THOUSAND HOURS OF  
9 SUPERVISED CLINICAL EXPERIENCE HOURS OVER A MINIMUM OF SIX  
10 MONTHS, WHICH INCLUDES HOURS ACCRUED PRIOR TO THE APPLICATION  
11 FOR CERTIFICATION SO LONG AS THE SUPERVISED CLINICAL EXPERIENCE  
12 HOURS MEET ANY ADDITIONAL CRITERIA AS DEFINED BY THE BOARD;

13 (III) PASSED A JURISPRUDENCE EXAMINATION AS DETERMINED BY  
14 THE BOARD; AND

15 (IV) PASSED THE NATIONAL CERTIFICATION ADDICTION  
16 COUNSELOR LEVEL I EXAMINATION ADMINISTERED BY THE NATIONAL  
17 ASSOCIATION OF ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR AN  
18 EQUIVALENT EXAMINATION ADMINISTERED BY A SUCCESSOR  
19 ORGANIZATION.

20 (b) A CERTIFIED ADDICTION SPECIALIST:

21 (I) HAVE A BACHELOR'S DEGREE IN A CLINICAL BEHAVIORAL  
22 HEALTH CONCENTRATION;

23 (II) ACCRUED A MINIMUM OF TWO THOUSAND HOURS OF  
24 SUPERVISED CLINIC WORK HOURS OVER A MINIMUM OF TWELVE MONTHS,  
25 WHICH MAY INCLUDE THE HOURS REQUIRED FOR CERTIFICATION AS A  
26 CERTIFIED ADDICTION SPECIALIST;

27 (III) PASSED A JURISPRUDENCE EXAMINATION AS DETERMINED BY

1 THE BOARD; AND

2 (IV) PASSED THE NATIONAL CERTIFICATION ADDICTION  
3 COUNSELOR LEVEL II EXAMINATION ADMINISTERED BY THE NATIONAL  
4 ASSOCIATION FOR ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR AN  
5 EQUIVALENT EXAMINATION ADMINISTERED BY A SUCCESSOR  
6 ORGANIZATION.

7 (3.7) (a) THE BOARD SHALL REGISTER AS AN ADDICTION  
8 COUNSELOR CANDIDATE A PERSON WHO FILES AN APPLICATION FOR  
9 REGISTRATION, ACCOMPANIED BY THE FEE REQUIRED BY SECTION  
10 12-245-205, WHO IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE  
11 245 OR ANY RULES PROMULGATED BY THE BOARD, AND WHO:

12 (I) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT THE  
13 PERSON HAS MET THE REQUIREMENTS OF SUBSECTIONS (1)(a), (1)(b), AND  
14 (1)(c) OF THIS SECTION; AND

15 (II) HAS NOT PREVIOUSLY REGISTERED AS AN ADDICTION  
16 COUNSELOR CANDIDATE WITH THE BOARD.

17 (b) AN ADDICTION COUNSELOR CANDIDATE REGISTERED PURSUANT  
18 TO THIS SUBSECTION (3.7) IS UNDER THE JURISDICTION OF THE BOARD. IF  
19 THE REQUIREMENTS OF SUBSECTIONS (1)(d) TO (1)(g) OF THIS SECTION  
20 ARE NOT MET WITHIN FOUR YEARS AFTER THE DATE OF REGISTRATION AS  
21 A CANDIDATE OR WITHIN ONE YEAR IF THE CANDIDATE HOLDS AN  
22 EQUIVALENT CREDENTIAL FROM ANOTHER STATE, THE REGISTRATION OF  
23 THE ADDICTION COUNSELOR CANDIDATE EXPIRES AND IS NOT RENEWABLE  
24 UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN  
25 EXTENSION. A PERSON WHOSE ADDICTION COUNSELOR CANDIDATE  
26 REGISTRATION EXPIRES IS NOT PRECLUDED FROM APPLYING FOR LICENSURE  
27 OR REGISTRATION WITH ANY OTHER MENTAL HEALTH BOARD FOR WHICH

1 THE PERSON IS QUALIFIED.

2 SECTION 38. In Colorado Revised Statutes, 12-245-805, amend  
3 (1); and add (3) as follows:

4 12-245-805. Rights and privileges of certification and licensure  
5 - titles. (1) Any person who possesses a valid, unsuspended, and  
6 unrevoked certificate as a ~~level I, II, or III certified addiction counselor~~  
7 CERTIFIED ADDICTION TECHNICIAN OR CERTIFIED ADDICTION SPECIALIST  
8 has the right to practice addiction counseling under supervision or  
9 consultation as required by the rules of the state board of human services  
10 in the department of human services; a ~~level III certified addiction~~  
11 ~~counselor has the right to~~ A CERTIFIED ADDICTION SPECIALIST MAY  
12 supervise addiction counseling practice, and ~~all levels of certification~~  
13 ~~have the right to~~ MAY use the title "certified addiction counselor" and the  
14 abbreviations "~~CAC I~~", "~~CAC II~~", or "~~CAC III~~", as applicable "CAC" or  
15 "CAS"; A CERTIFIED ADDICTION TECHNICIAN MAY USE THE TITLE  
16 "CERTIFIED ADDICTION COUNSELOR", "CAC", OR "CAT". No other person  
17 shall assume these titles or use these abbreviations on any work or media  
18 to indicate that the person using the title or abbreviation is a certified  
19 addiction counselor.

20 (3)(a) THE PRACTICE OF A CERTIFIED ADDICTION TECHNICIAN MAY  
21 INCLUDE:

22 (I) COLLECTION OF BIOPSYCHOSOCIAL SCREENING DATA;

23 (II) SERVICE COORDINATION AND CASE MANAGEMENT;

24 (III) MONITORING COMPLIANCE WITH CASE MANAGEMENT PLANS;

25 (IV) SKILL BASED EDUCATION;

26 (V) CO-FACILITATING THERAPY GROUPS WITH CERTIFIED  
27 ADDICTION SPECIALISTS OR LICENSED ADDICTION COUNSELORS;

1 (VI) CLIENT, FAMILY, AND COMMUNITY ADDICTION EDUCATION;

2 AND

3 (VII) REFERRAL AND DISCHARGE RESOURCING AND PLANNING.

4 (b) THE PRACTICE OF A CERTIFIED ADDICTION SPECIALIST MAY

5 INCLUDE:

6 (I) TREATING SUBSTANCE USE AND CO-OCCURRING DISORDERS;

7 (II) CLINICAL ASSESSMENTS INCLUDING DIAGNOSTIC IMPRESSION;

8 (III) TREATMENT PLANNING;

9 (IV) REFERRAL AND DISCHARGE PLANNING;

10 (V) SERVICE COORDINATION AND CASE MANAGEMENT;

11 (VI) ADDICTION COUNSELING FOR INDIVIDUALS, FAMILIES, AND

12 GROUPS; AND

13 (VII) CLIENT, FAMILY, AND COMMUNITY EDUCATION AND

14 PSYCHO-EDUCATION.

15 **SECTION 39.** In Colorado Revised Statutes, 12-245-806, **amend**  
16 (1)(b) introductory portion as follows:

17 **12-245-806. Continuing professional competency - rules -**  
18 **definition.** (1) (b) The board, ~~in consultation with the~~ office of  
19 behavioral health in the department of human services, ~~and~~ IN  
20 CONSULTATION WITH other stakeholders, shall adopt rules establishing a  
21 continuing professional competency program that includes, at a minimum,  
22 the following elements:

23 **SECTION 40.** In Colorado Revised Statutes, 12-245-806, **amend**  
24 (1)(a), (1)(b) introductory portion, (1)(b)(I), (1)(b)(III), (1)(c) introductory  
25 portion, (1)(d), (2)(a), and (3) as follows:

26 **12-245-806. Continuing professional competency - rules -**  
27 **definition.** (1) (a) In accordance with sections 12-245-803 and



1 12-245-804, the board issues a license or certificate to practice addiction  
2 counseling based on whether the applicant satisfies minimum educational  
3 and experience requirements that demonstrate professional competency  
4 to practice addiction counseling. After a license or a certificate as a level  
5 ~~H or level III~~ addiction counselor is issued to an applicant, the licensed or  
6 ~~level H or level III~~ certified addiction counselor shall maintain continuing  
7 professional competency to practice addiction counseling.

8 (b) The board, ~~in consultation with the~~ office of behavioral health  
9 in the department of human services, ~~and,~~ IN CONSULTATION WITH other  
10 stakeholders, shall adopt rules establishing a continuing professional  
11 competency program that includes, at a minimum, the following  
12 elements:

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

16 (III) Periodic demonstration of knowledge and skills through  
17 documentation of activities necessary to ensure at least minimal ability to  
18 safely practice the profession. Nothing in this subsection (1)(b)(III) shall  
19 ~~require~~ REQUIRES a licensed or ~~level H or level III~~ certified addiction  
20 counselor to retake any examination required pursuant to section  
21 12-245-804 in connection with initial licensure or certification.

22 (c) A licensed or ~~level H or level III~~ certified addiction counselor  
23 satisfies the continuing competency requirements of this section if the  
24 licensed or ~~level H or level III~~ certified addiction counselor meets the  
25 continued professional competence requirements of one of the following  
26 entities:

27 (d) (I) After the program is established, a licensed or ~~level H or~~

1 ~~level III~~ certified addiction counselor shall satisfy the requirements of the  
2 program in order to renew or reinstate a license or certificate to practice  
3 addiction counseling in Colorado.

4 (II) The requirements of this section apply to individual addiction  
5 counselors who are licensed or ~~level II or level III~~ certified pursuant to  
6 this part 8, and nothing in this section shall be construed to require a  
7 person who employs or contracts with a licensed or ~~level II or level III~~  
8 certified addiction counselor to comply with the requirements of this  
9 section.

10 (2) (a) Records of assessments or other documentation developed  
11 or submitted in connection with the continuing professional competency  
12 program are confidential and not subject to inspection by the public or  
13 discovery in connection with a civil action against a licensed or certified  
14 addiction counselor. The records or documents shall be used only by the  
15 board for purposes of determining whether a licensed or ~~level II or level~~  
16 ~~III~~ certified addiction counselor is maintaining continuing professional  
17 competency to engage in the profession.

18 (3) As used in this section, "continuing professional competency"  
19 means the ongoing ability of a licensed or ~~level II or level III~~ certified  
20 addiction counselor to learn, integrate, and apply the knowledge, skill,  
21 and judgment to practice as an addiction counselor according to generally  
22 accepted industry standards and professional ethical standards in a  
23 designated role and setting.

24 **SECTION 41.** In Colorado Revised Statutes, 27-80-108, **add** (2)  
25 as follows:

26 **27-80-108. Rules.** (2) IN THE RULES PROMULGATED PURSUANT TO  
27 SUBSECTION (1)(e) OF THIS SECTION, THE STATE BOARD OF HUMAN

1 SERVICES SHALL REQUIRE THE FOLLOWING EDUCATION REQUIREMENTS:

2 (a) FOR CERTIFIED ADDICTION TECHNICIANS:

3 (I) COMPLETION OF COURSE WORK AND TRAINING IN ADDICTION  
4 COUNSELING, CLIENT RECORDS MANAGEMENT, PRINCIPLES OF ADDICTION,  
5 PROFESSIONAL ETHICS, CULTURALLY INFORMED TREATMENT,  
6 PHARMACOLOGY, MOTIVATIONAL INTERVIEWING, TRAUMA INFORMED  
7 CARE, AND GROUP COUNSELING SKILLS; AND

8 (II) OTHER COURSES AND TRAINING AS DETERMINED BY THE STATE  
9 BOARD OF HUMAN SERVICES.

10 (b) FOR CERTIFIED ADDICTION SPECIALISTS:

11 (I) COMPLETION OF COURSE WORK AND TRAINING IN CLINICAL  
12 ASSESSMENT AND TREATMENT PLANNING, COGNITIVE BEHAVIORAL  
13 THERAPY, CO-OCCURRING DISORDERS, ADVANCED PHARMACOLOGY,  
14 ADVANCED PROFESSIONAL ETHICS, ADVANCED MOTIVATIONAL  
15 INTERVIEWING, ADVANCED MODELS, SPECIALIZED ADDICTION TREATMENT,  
16 AND INFECTIOUS DISEASES; AND

17 (II) OTHER COURSES AND TRAINING AS DETERMINED BY THE STATE  
18 BOARD OF HUMAN SERVICES.

19 **SECTION 42.** In Colorado Revised Statutes, 12-20-105, **amend**  
20 **(2)(b)(II)** as follows:

21 **12-20-105. Fee adjustments - division of professions and**  
22 **occupations cash fund created - legal defense account created -**  
23 **definition.** (2) (b) (II) The costs of the state board of psychologist  
24 examiners, the state board of marriage and family therapist examiners, the  
25 state board of licensed professional counselor examiners, the state board  
26 of social work examiners, the state board of ~~registered~~ UNLICENSED  
27 psychotherapists, and the state board of addiction counselor examiners

1 shall be considered collectively in the renewal fee-setting process.  
2 Subsequent revenue generated by the fees set by the boards ~~plus revenues~~  
3 ~~generated pursuant to section 12-245-703~~ shall be compared to those  
4 collective costs to determine recovery of direct and indirect costs.

5 **SECTION 43.** In Colorado Revised Statutes, 12-20-407, **amend**  
6 (1)(a)(V)(N) as follows:

7 **12-20-407. Unauthorized practice of profession or occupation**  
8 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor  
9 and shall be punished as provided in section 18-1.3-501 for the first  
10 offense and, for the second or any subsequent offense, commits a class 6  
11 felony and shall be punished as provided in section 18-1.3-401 if the  
12 person:

13 (V) Practices or offers or attempts to practice any of the following  
14 professions or occupations without an active license, certification, or  
15 registration issued under the part or article of this title 12 governing the  
16 particular profession or occupation:

17 (N) Practice as a psychologist, social worker, marriage and family  
18 therapist, licensed professional counselor, UNLICENSED psychotherapist,  
19 or addiction counselor, as regulated under article 245 of this title 12;

20   
21 

22 **SECTION 44.** In Colorado Revised Statutes, 12-200-108, **amend**  
23 (4)(a) introductory portion; and **repeal** (4)(a)(III) as follows:

24 **12-200-108. Unlawful acts - exceptions - definition.**  
25 (4) (a) Notwithstanding any provision of this article 200 to the contrary,  
26 a ~~mental health care~~ professional who has provided documentation that  
27 he or she has been trained to perform auricular acudetox in compliance

1 with subsection (4)(d) of this section may perform auricular acudetox if  
2 the auricular acudetox is performed under the ~~mental health care~~  
3 professional's current scope of practice, and the ~~mental health care~~  
4 professional is:

5 (III) ~~Registered as a psychotherapist pursuant to part 7 of article~~  
6 ~~245 of this title 12.~~

7 **SECTION 45.** In Colorado Revised Statutes, **amend** 12-245-101  
8 as follows:

9 **12-245-101. Legislative declaration.** The general assembly  
10 hereby finds and determines that, in order to safeguard the public health,  
11 safety, and welfare of the people of this state and in order to protect the  
12 people of this state against the unauthorized, unqualified, and improper  
13 application of psychology, social work, marriage and family therapy,  
14 professional counseling, psychotherapy, and addiction counseling, it is  
15 necessary that the proper regulatory authorities be established and  
16 adequately provided for. The general assembly therefore declares that  
17 there shall be established a state board of psychologist examiners, a state  
18 board of social work examiners, a state board of marriage and family  
19 therapist examiners, a state board of licensed professional counselor  
20 examiners, a state board of ~~registered~~ UNLICENSED psychotherapists," and  
21 a state board of addiction counselor examiners with the authority to  
22 license, register, or certify, and take disciplinary actions or bring  
23 injunctive actions, or both, concerning licensed psychologists and  
24 psychologist candidates, licensed social workers, licensed marriage and  
25 family therapists and marriage and family therapist candidates, licensed  
26 professional counselors and licensed professional counselor candidates,  
27 ~~registered~~ UNLICENSED psychotherapists, and licensed and certified

1 addiction counselors, respectively, and mental health professionals who  
2 have been issued a provisional license pursuant to this article 245.

3 **SECTION 46.** In Colorado Revised Statutes, 12-245-202, **amend**  
4 (1) and (16); **repeal** (15); and **add** (17) as follows:

5 **12-245-202. Definitions.** As used in this article 245, unless the  
6 context otherwise requires:

7 (1) "Board" includes the state board of psychologist examiners,  
8 the state board of social work examiners, the state board of licensed  
9 professional counselor examiners, the state board of marriage and family  
10 therapist examiners, the state board of ~~registered~~ UNLICENSED  
11 psychotherapists, and the state board of addiction counselor examiners.

12 (15) (a) "Registered psychotherapist" means a person:

13 ~~(I) Whose primary practice is psychotherapy or who holds himself~~  
14 ~~or herself out to the public as being able to practice psychotherapy for~~  
15 ~~compensation; and~~

16 ~~(II) Who is registered with the state board of registered~~  
17 ~~psychotherapists pursuant to section 12-245-703 to practice~~  
18 ~~psychotherapy in this state.~~

19 (b) "Registered psychotherapist" also includes a person who:

20 ~~(I) Is a licensed school psychologist licensed pursuant to section~~  
21 ~~22-60.5-210 (1)(b);~~

22 ~~(II) Is practicing outside of a school setting; and~~

23 ~~(III) Is registered with the state board of registered~~  
24 ~~psychotherapists pursuant to section 12-245-703.~~

25 (16) "Registrant" means a psychologist candidate, marriage and  
26 family therapist candidate, or licensed professional counselor candidate  
27 registered pursuant to section 12-245-304 (3), 12-245-504 (4), or

1 12-245-604 (4), respectively, or a ~~registered~~ AN UNLICENSED  
2 psychotherapist.

3 (17) (a) "UNLICENSED PSYCHOTHERAPIST" MEANS A PERSON:

4 (I) WHOSE PRIMARY PRACTICE IS PSYCHOTHERAPY OR WHO HOLDS  
5 HIMSELF OR HERSELF OUT TO THE PUBLIC AS BEING ABLE TO PRACTICE  
6 PSYCHOTHERAPY FOR COMPENSATION; AND

7 (II) WHO IS REGISTERED WITH THE STATE BOARD OF UNLICENSED  
8 PSYCHOTHERAPISTS PURSUANT TO SECTION 12-245-703 TO PRACTICE  
9 PSYCHOTHERAPY IN THIS STATE.

10 (b) "UNLICENSED PSYCHOTHERAPIST" ALSO INCLUDES A PERSON  
11 WHO:

12 (I) IS A LICENSED SCHOOL PSYCHOLOGIST LICENSED PURSUANT TO  
13 SECTION 22-60.5-210 (1)(b);

14 (II) IS PRACTICING OUTSIDE OF A SCHOOL SETTING; AND

15 (III) IS REGISTERED WITH THE STATE BOARD OF UNLICENSED  
16 PSYCHOTHERAPISTS PURSUANT TO SECTION 12-245-703.

17 **SECTION 47.** In Colorado Revised Statutes, 12-245-203, **amend**  
18 (2) as follows:

19 **12-245-203. Practice outside of or beyond professional**  
20 **training, experience, or competence - general scope of practice for**  
21 **licensure, registration, or certification.** (2) The practice of  
22 psychotherapy is one area of practice for mental health professionals  
23 licensed, certified, or registered pursuant to this article 245 but may not  
24 be the only or primary practice area of the professionals, other than  
25 persons registered as UNLICENSED psychotherapists pursuant to part 7 of  
26 this article 245. The requirements for licensure, registration, or  
27 certification as a mental health professional pursuant to this article 245

1 are contained in sections 12-245-303, 12-245-403, 12-245-503,  
2 12-245-603, and 12-245-803, which define the practice of psychology,  
3 social work, marriage and family therapy, licensed professional  
4 counseling, and addiction counseling, respectively.

5 **SECTION 48.** In Colorado Revised Statutes, 12-245-205, **amend**  
6 (4) as follows:

7 **12-245-205. Fees - renewal.** (4) The director shall coordinate  
8 fee-setting pursuant to this section so that all licensees, registrants, and  
9 certificate holders pay fees as required by this section. ~~and section~~  
10 ~~12-245-703 (1).~~

11 **SECTION 49.** In Colorado Revised Statutes, **amend** 12-245-210,  
12 as follows:

13 **12-245-210. Drugs - medicine.** Nothing in this article 245 permits  
14 psychologists, social workers, marriage and family therapists, licensed  
15 professional counselors, ~~psychotherapists,~~ and addiction counselors  
16 licensed ~~registered,~~ or certified under this article 245 to administer or  
17 prescribe drugs or in any manner engage in the practice of medicine as  
18 defined by the laws of this state.

19 **SECTION 50.** In Colorado Revised Statutes, 12-245-213, **amend**  
20 (1)(b)(VI)

21 **12-245-213. Professional service corporations for the practice**  
22 **of psychology, social work, marriage and family therapy,**  
23 **professional counseling, and addiction counseling - definitions.**

24 (1) Licensees registrants, or certificate holders may form professional  
25 service corporations for the practice of psychology, social work, marriage  
26 and family therapy, professional counseling, psychotherapy, or addiction  
27 counseling under the "Colorado Business Corporation Act", articles 101



1 to 117 of title 7, if the corporations are organized and operated in  
2 accordance with this section. The articles of incorporation of a  
3 professional service corporation formed pursuant to this section must  
4 contain provisions complying with the following requirements:

5 (b) The corporation must be organized by licensees registrants, or  
6 certificate holders for the purpose of conducting the practice of  
7 psychology, social work, marriage and family therapy, professional  
8 counseling, psychotherapy, or addiction counseling by the respective  
9 licensees, registrants, or certificate holders of those practices. The  
10 corporation may be organized with any other person, and any person may  
11 own shares in the corporation, if the following conditions are met:

12 (VI) The practice of psychotherapy, as defined in section  
13 12-245-202, by the professional service corporation is performed by a  
14 ~~registered~~ AN UNLICENSED psychotherapist acting independently or under  
15 the supervision of a person licensed pursuant to this article 245 or a  
16 ~~registered~~ AN UNLICENSED psychotherapist. Any ~~registered~~ UNLICENSED  
17 psychotherapist member of the professional service corporation remains  
18 individually responsible for his or her professional acts and conduct as  
19 provided in this article 245.

20 **SECTION 51.** In Colorado Revised Statutes, 12-245-216, **amend**  
21 (1)(d)(IV), (1)(e), and (4)(g) as follows:

22 **12-245-216. Mandatory disclosure of information to clients.**

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

26 (d) A statement indicating that:

27 (IV) The information provided by the client during therapy

1 sessions is legally confidential in the case of licensed marriage and  
2 family therapists, social workers, professional counselors, and  
3 psychologists; licensed or certified addiction counselors; and registered  
4 UNLICENSED psychotherapists, except as provided in section 12-245-220  
5 and except for certain legal exceptions that will be identified by the  
6 licensee, registrant, or certificate holder should any such situation arise  
7 during therapy; and

8 (e) If the mental health professional is a ~~registered~~ AN  
9 UNLICENSED psychotherapist, a statement indicating that a ~~registered~~ AN  
10 UNLICENSED psychotherapist is a psychotherapist listed in the state's  
11 database and is authorized by law to practice psychotherapy in Colorado  
12 but is not licensed by the state and is not required to satisfy any  
13 standardized educational or testing requirements to obtain a registration  
14 from the state.

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

18 (g) By a person licensed or certified pursuant to this article 245  
19 or by a ~~registered~~ AN UNLICENSED psychotherapist practicing in a hospital  
20 that is licensed or certified under section 25-1.5-103 (1)(a)(I) or  
21 (1)(a)(II).

22 **SECTION 52.** In Colorado Revised Statutes, 12-245-217, **repeal**  
23 (4) as follows:

24 **12-245-217. Scope of article - exemptions.** (4) ~~The provisions~~  
25 ~~of section 12-245-703 do not apply to employees of community mental~~  
26 ~~health centers or clinics as those centers or clinics are defined by section~~  
27 ~~27-66-101, but persons practicing outside the scope of employment as~~

1 ~~employees of a facility defined by section 27-66-101 are subject to the~~  
2 ~~provisions of section 12-245-703.~~

3 **SECTION 53.** In Colorado Revised Statutes, 12-245-225, **amend**  
4 (1)(d) as follows:

5 **12-245-225. Authority of boards - cease-and-desist orders -**  
6 **rules.** (1) If a licensee, registrant, or certificate holder violates any  
7 provision of section 12-245-224, the board that licenses, registers, or  
8 certifies the licensee, registrant, or certificate holder may, in accordance  
9 with section 12-20-404:

10 (d) Deny, revoke, or suspend the listing of a ~~registered~~ **AN**  
11 **UNLICENSED** psychotherapist in the state board of ~~registered~~ **UNLICENSED**  
12 psychotherapists database established pursuant to section 12-245-703;

13

14

15 **SECTION 54.** In Colorado Revised Statutes, 12-245-231, **amend**  
16 (5) as follows:

17 **12-245-231. Mental health professional peer health assistance**  
18 **program - fees - administration - rules.** (5) As used in this section,  
19 "mental health professional" means a psychologist, social worker,  
20 marriage and family therapist, licensed professional counselor,  
21 ~~psychotherapist~~, or addiction counselor regulated under this article 245.

22 **SECTION 55.** In Colorado Revised Statutes, 12-245-304, **amend**  
23 (3)(b) as follows:

24 **12-245-304. Qualifications - examinations - licensure.**

25 (3) (b) A psychologist candidate registered pursuant to this subsection  
26 (3) is under the jurisdiction of the board. The psychologist candidate may,  
27 but is not required to, register with the database of ~~registered~~ **UNLICENSED**

1 psychotherapists pursuant to section 12-245-703. If the requirements of  
2 subsections (1)(d) and (1)(e) of this section are not met within four years,  
3 the registration of the psychologist candidate expires and is not  
4 renewable unless the board, in its discretion, grants the candidate an  
5 extension. A person whose psychologist candidate registration expires is  
6 not precluded from applying for licensure or registration with any other  
7 mental health board for which the person is qualified.

8 **SECTION 56.** In Colorado Revised Statutes, 12-245-306, **amend**  
9 (6) as follows:

10 **12-245-306. Exemptions.** (6) Nothing in this part 3 prevents the  
11 practice of psychotherapy by persons registered with the state board of  
12 ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703.

13 **SECTION 57.** In Colorado Revised Statutes, 12-245-404, **amend**  
14 (4) as follows:

15 **12-245-404. Qualifications - examination - licensure and**  
16 **registration.** (4) A person licensed as a licensed social worker pursuant  
17 to subsection (1) of this section may, but is not required to, register with  
18 the database of ~~registered~~ UNLICENSED psychotherapists pursuant to  
19 section 12-245-703.

20 **SECTION 58.** In Colorado Revised Statutes, 12-245-406, **amend**  
21 (5) as follows:

22 **12-245-406. Scope of part.** (5) Nothing in this part 4 prevents  
23 the practice of psychotherapy by persons registered with the state board  
24 of ~~registered~~ UNLICENSED psychotherapists pursuant to section  
25 12-245-703.

26 **SECTION 59.** In Colorado Revised Statutes, 12-245-504, **amend**  
27 (4)(b) as follows:

1           **12-245-504. Qualifications - examination - licensure and**  
2 **registration.** (4) (b) A marriage and family therapist candidate who  
3 registers with the board pursuant to this subsection (4) is under the  
4 jurisdiction of the board and may, but is not required to, register with the  
5 database of ~~registered~~ UNLICENSED psychotherapists pursuant to section  
6 12-245-703.

7           **SECTION 60.** In Colorado Revised Statutes, 12-245-505, **amend**  
8 (5) as follows:

9           **12-245-505. Rights and privileges of licensure and registration**  
10 **- title.** (5) Nothing in this part 5 prevents the practice of psychotherapy  
11 by persons registered with the state board of ~~registered~~ UNLICENSED  
12 psychotherapists pursuant to section 12-245-703.

13           **SECTION 61.** In Colorado Revised Statutes, 12-245-604, **amend**  
14 (4)(b) as follows:

15           **12-245-604. Licensure - examination - licensed professional**  
16 **counselors.** (4) (b) A licensed professional counselor candidate who  
17 registers with the board pursuant to this subsection (4) is under the  
18 jurisdiction of the board and may, but is not required to, register with the  
19 database of ~~registered~~ UNLICENSED psychotherapists pursuant to section  
20 12-245-703.

21           **SECTION 62.** In Colorado Revised Statutes, 12-245-605, **amend**  
22 (4) as follows:

23           **12-245-605. Rights and privileges of licensure - title.**  
24 (4) Nothing in this part 6 prevents the practice of psychotherapy by  
25 persons registered with the state board of ~~registered~~ UNLICENSED  
26 psychotherapists pursuant to section 12-245-703.

27           **SECTION 63.** In Colorado Revised Statutes, 13-90-107, **amend**

1 (1)(g) as follows:

2 **13-90-107. Who may not testify without consent - definitions.**

3 (1) There are particular relations in which it is the policy of the law to  
4 encourage confidence and to preserve it inviolate; therefore, a person  
5 shall not be examined as a witness in the following cases:

6 (g) A licensed psychologist, professional counselor, marriage and  
7 family therapist, social worker, or addiction counselor, ~~a registered~~ AN  
8 UNLICENSED psychotherapist, a certified addiction counselor, a  
9 psychologist candidate registered pursuant to section 12-245-304 (3), a  
10 marriage and family therapist candidate registered pursuant to section  
11 12-245-504 (4), a licensed professional counselor candidate registered  
12 pursuant to section 12-245-604 (4), or a person described in section  
13 12-245-217 shall not be examined without the consent of the licensee's,  
14 certificate holder's, registrant's, candidate's, or person's client as to any  
15 communication made by the client to the licensee, certificate holder,  
16 registrant, candidate, or person or the licensee's, certificate holder's,  
17 registrant's, candidate's, or person's advice given in the course of  
18 professional employment; nor shall any secretary, stenographer, or clerk  
19 employed by a licensed psychologist, professional counselor, marriage  
20 and family therapist, social worker, or addiction counselor, ~~a registered~~  
21 AN UNLICENSED psychotherapist, a certified addiction counselor, a  
22 psychologist candidate registered pursuant to section 12-245-304 (3), a  
23 marriage and family therapist candidate registered pursuant to section  
24 12-245-504 (4), a licensed professional counselor candidate registered  
25 pursuant to section 12-245-604 (4), or a person described in section  
26 12-245-217 be examined without the consent of the employer of the  
27 secretary, stenographer, or clerk concerning any fact, the knowledge of

1 which the employee has acquired in such capacity; nor shall any person  
2 who has participated in any psychotherapy, conducted under the  
3 supervision of a person authorized by law to conduct such therapy,  
4 including group therapy sessions, be examined concerning any  
5 knowledge gained during the course of such therapy without the consent  
6 of the person to whom the testimony sought relates.

7 **SECTION 64.** In Colorado Revised Statutes, 18-6.5-108, **amend**  
8 (1)(b)(VII) as follows:

9 **18-6.5-108. Mandatory reports of mistreatment of at-risk**  
10 **elders and at-risk adults with IDD - list of reporters - penalties.**

11 (1) (b) The following persons, whether paid or unpaid, shall report as  
12 required by subsection (1)(a) of this section:

13 (VII) Psychologists, addiction counselors, professional  
14 counselors, marriage and family therapists, and ~~registered~~ UNLICENSED  
15 psychotherapists, as those persons are defined in article 245 of title 12;

16 **SECTION 65.** In Colorado Revised Statutes, 19-1-307, **amend**  
17 (2)(e.5)(I)(G) as follows:

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

24 (e.5) (I) A mandatory reporter specified in this subsection  
25 (2)(e.5)(I) who is and continues to be officially and professionally  
26 involved in the ongoing care of the child who was the subject of the  
27 report, but only with regard to information that the mandatory reporter

1 has a need to know in order to fulfill his or her professional and official  
2 role in maintaining the child's safety. A county department shall request  
3 written affirmation from a mandatory reporter stating that the reporter  
4 continues to be officially and professionally involved in the ongoing care  
5 of the child who was the subject of the report and describing the nature  
6 of the involvement, unless the county department has actual knowledge  
7 that the mandatory reporter continues to be officially and professionally  
8 involved in the ongoing care of the child who was the subject of the  
9 report. This subsection (2)(e.5)(I) applies to:

10 (G) Registered UNLICENSED psychotherapists;

11 **SECTION 66.** In Colorado Revised Statutes, 19-3-304, **amend**  
12 (2)(z) as follows:

13 **19-3-304. Persons required to report child abuse or neglect.**

14 (2) Persons required to report such abuse or neglect or circumstances or  
15 conditions include any:

16 (z) Registered UNLICENSED psychotherapists;

17 **SECTION 67.** In Colorado Revised Statutes, 24-1-122, **amend**  
18 (3)(II) as follows:

19 **24-1-122. Department of regulatory agencies - creation.**

20 (3) The following boards and agencies are transferred by a **type 1**  
21 transfer to the department of regulatory agencies and allocated to the  
22 division of professions and occupations:

23 (II) State board of registered UNLICENSED psychotherapists,  
24 created by part 7 of article 245 of title 12;

25 **SECTION 68.** In Colorado Revised Statutes, 26-3.1-102, **amend**  
26 (1)(b)(VII) as follows:

27 **26-3.1-102. Reporting requirements.** (1) (b) The following



1 persons, whether paid or unpaid, are urged to report as described in  
2 subsection (1)(a) of this section:

3 (VII) Psychologists, addiction counselors, professional  
4 counselors, marriage and family therapists, and ~~registered~~ UNLICENSED  
5 psychotherapists, as those persons are defined in article 245 of title 12;

6 **SECTION 69.** In Colorado Revised Statutes, 30-10-606, **amend**  
7 (6)(a)(II) as follows:

8 **30-10-606. Coroner - inquiry - grounds - postmortem - jury**  
9 **- certificate of death.** (6) (a) Notwithstanding sections 12-245-220 and  
10 13-90-107 (1)(d) or (1)(g), the coroner holding an inquest or investigation  
11 pursuant to this section has the authority to request and receive a copy of:

12 (II) Any information, record, or report related to treatment,  
13 consultation, counseling, or therapy services from any licensed  
14 psychologist, professional counselor, marriage and family therapist,  
15 social worker, or addiction counselor, certified addiction counselor,  
16 ~~registered~~ UNLICENSED psychotherapist, psychologist candidate registered  
17 pursuant to section 12-245-304 (3), marriage and family therapist  
18 candidate registered pursuant to section 12-245-504 (4), licensed  
19 professional counselor candidate registered pursuant to section  
20 12-245-604 (4), or person described in section 12-245-217, if the report,  
21 record, or information is relevant to the inquest or investigation.

22 **SECTION 70. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.