

CHAPTER 279

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 98-1072

BY REPRESENTATIVES Morrison, K. Alexander, Chavez, Epps, Gotlieb, Mace, Paschall, Tupa, and S. Williams;
also SENATOR Wham.

AN ACT

CONCERNING THE REGULATION OF THE PRACTICE OF PSYCHOTHERAPY, AND, IN CONNECTION THEREWITH, CONTINUING THE COLORADO STATE BOARD OF PSYCHOLOGIST EXAMINERS, THE STATE BOARD OF SOCIAL WORK EXAMINERS, THE STATE BOARD OF LICENSED PROFESSIONAL COUNSELOR EXAMINERS, AND THE STATE BOARD OF MARRIAGE AND FAMILY THERAPIST EXAMINERS, CONTINUING THE AUTHORITY OF THE STATE GRIEVANCE BOARD, AND MAKING APPROPRIATIONS.

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

SECTION 1. Repeal. 24-34-104 (27) (a) (IV), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (27) (a) The following boards in the division of registrations shall terminate on July 1, 1998:

(IV) ~~Boards relating to the licensing of and grievances against any person regulated or licensed pursuant to the provisions of article 43 of title 12, C.R.S., and created pursuant to article 43 of title 12, C.R.S.~~

SECTION 2. 24-34-104 (34), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (34) The following agencies, functions, or both, shall terminate on July 1, 2004:

(g) NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION, BOARDS RELATING TO THE LICENSING OF AND GRIEVANCES AGAINST ANY PERSON REGULATED, REGISTERED, OR LICENSED PURSUANT TO THE PROVISIONS OF ARTICLE 43

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

OF TITLE 12, C.R.S., AND CREATED PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S.

SECTION 3. 12-43-101, Colorado Revised Statutes, is amended to read:

12-43-101. Legislative declaration. The general assembly hereby finds and declares DETERMINES that, in order to safeguard the public health, safety, and welfare of the people of this state and in order to protect the people of this state against the unauthorized, unqualified, and improper application of psychotherapy, psychology, ~~clinical social work, marriage and family therapy, AND professional counseling, and school psychology;~~ it is necessary that the proper regulatory authorities be established and adequately provided for. ~~The general assembly further finds that, in order to best provide such protections and safeguards and to expedite complaints and disciplinary proceedings relating to the practice and delivery of psychotherapy, psychology, clinical social work, marriage and family therapy, professional counseling services, and school psychology, there shall be established a grievance board with the authority to take disciplinary actions or bring injunctive actions or both concerning unlicensed psychotherapists, licensed psychologists, licensed clinical social workers, licensed marriage and family therapists, licensed professional counselors, and certified school psychologists.~~ THE GENERAL ASSEMBLY THEREFORE DECLARES THAT THERE SHALL BE ESTABLISHED A STATE BOARD OF PSYCHOLOGIST EXAMINERS, A STATE BOARD OF SOCIAL WORK EXAMINERS, A STATE BOARD OF MARRIAGE AND FAMILY THERAPIST EXAMINERS, AND A STATE BOARD OF LICENSED PROFESSIONAL COUNSELOR EXAMINERS WITH THE AUTHORITY TO LICENSE AND TAKE DISCIPLINARY ACTIONS OR BRING INJUNCTIVE ACTIONS, OR BOTH, CONCERNING LICENSED PSYCHOLOGISTS, LICENSED AND REGISTERED SOCIAL WORKERS, LICENSED MARRIAGE AND FAMILY THERAPISTS, AND LICENSED PROFESSIONAL COUNSELORS, RESPECTIVELY. THERE SHALL ALSO BE A STATE GRIEVANCE BOARD WITH THE AUTHORITY TO TAKE DISCIPLINARY ACTIONS OR BRING INJUNCTIVE ACTIONS, OR BOTH, CONCERNING UNLICENSED PSYCHOTHERAPISTS.

SECTION 4. 12-43-201 (1), (4), (5), (6), (7), (8), and (10), Colorado Revised Statutes, are amended, and the said 12-43-201 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-43-201. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "Board" includes the ~~Colorado~~ state board of psychologist examiners, the state board of social work examiners, the state board of licensed professional counselor examiners, ~~and~~ the state board of marriage and family therapist examiners, AND THE STATE GRIEVANCE BOARD.

(4) ~~"Licensed clinical social worker" means a person who practices psychotherapy and who is a clinical social worker licensed pursuant to the provisions of this article.~~

(5) ~~"Licensed professional counselor" means a person who practices psychotherapy and who is a professional counselor licensed pursuant to the provisions of this article.~~

(5.5) "LICENSED SOCIAL WORKER" MEANS A PERSON WHO:

(a) IS A LICENSED SOCIAL WORKER, LICENSED INDEPENDENT SOCIAL WORKER, OR

LICENSED CLINICAL SOCIAL WORKER; AND

(b) IS LICENSED PURSUANT TO THIS ARTICLE.

(6) "Licensee" means a psychologist, ~~clinical~~ social worker, marriage and family therapist, or licensed professional counselor licensed OR REGISTERED pursuant to ~~the provisions of this article.~~

(7) "Marriage and family therapist" means a person ~~who practices psychotherapy and who is a marriage and family therapist licensed pursuant to the provisions of this article.~~

(8) "Psychologist" means a person ~~who practices psychotherapy and who is a psychologist licensed pursuant to the provisions of this article.~~

(9.3) "REGISTRANT" MEANS A SOCIAL WORKER REGISTERED PURSUANT TO THIS ARTICLE.

(9.5) "REGULATED" MEANS A PERSON WHO IS LISTED IN THE STATE GRIEVANCE BOARD DATA BASE.

(10) "Unlicensed psychotherapist" means any person whose primary practice is psychotherapy or who holds himself OR HERSELF out to the public as being able to practice psychotherapy for compensation and who is not a ~~certified school psychologist or who is not~~ licensed under this title to practice psychotherapy. "UNLICENSED PSYCHOTHERAPIST" ALSO MEANS A PERSON WHO IS A CERTIFIED OR LICENSED SCHOOL PSYCHOLOGIST, CERTIFIED PURSUANT TO SECTION 22-60-104 (1) (e), C.R.S., OR LICENSED PURSUANT TO SECTION 22-60.5-210 (1) (b), C.R.S., AND WHO IS PRACTICING OUTSIDE OF A SCHOOL SETTING.

SECTION 5. 12-43-202, Colorado Revised Statutes, is amended to read:

12-43-202. Practice outside of or beyond professional training, experience, or competence. Notwithstanding any other provision of this article, no ~~certified school psychologist,~~ licensee, REGISTRANT, or unlicensed psychotherapist is authorized to practice ~~psychotherapy~~ outside of or beyond his OR HER area of training, experience, or competence.

SECTION 6. 12-43-203 (2) (a), (3.5), (4), (8), and (11), Colorado Revised Statutes, are amended to read:

12-43-203. Boards - meetings - duties - powers - removal of members. (2) (a) Each board shall annually hold a meeting and elect from its membership a chairperson and vice-chairperson. Each board shall meet at such times as it deems necessary or advisable or as deemed necessary and advisable by the chairperson, a majority of its members, or the governor. In order to promote the sharing of information, problems, ideas, research, and potential solutions or policy directions with regard to regulating the practice of PSYCHOLOGY, SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, COUNSELING, AND psychotherapy in Colorado, the chairpersons of the boards shall coordinate periodic meetings of the boards in joint session for the discussion of policies related to the regulation of the practice of psychotherapy. Such

joint meetings shall be held in conjunction with regular meetings of the boards. Reasonable notice of all meetings shall be given in the manner prescribed by each board. A majority of each board shall constitute a quorum at any meeting or hearing.

(3.5) In carrying out its duties related to the approval of applications for licensure pursuant to this section, section 12-43-212, and parts 3, 4, 5, ~~and 6~~, AND 7 of this article, each board shall delegate the function of the preliminary review and approval of applications to the staff of each such board, with approval of such applications ratified by action of each such board. Each board, in its sole discretion, may individually review any application requiring board consideration prior to the approval thereof pursuant to section 12-43-212 and parts 3, 4, 5, ~~and 6~~, AND 7 of this article.

(4) Each board shall maintain current lists of the names of all licensees, REGISTRANTS, AND UNLICENSED PSYCHOTHERAPISTS and records of cases and decisions rendered by the board. In addition, each board shall keep an accurate record of the results of all examinations for at least five years subsequent to the date of the examination. ~~The grievance board may request such lists or records if it deems such information necessary to perform its powers and duties.~~

(8) ~~Each board shall transmit to the grievance board information it receives of any violations of the provisions of this article pertaining to licensees, unlicensed psychotherapists, or certified school psychologists.~~

(11) (a) A professional review committee may be established pursuant to this subsection (11) to investigate the quality of care being given by a person licensed, REGISTERED, OR REGULATED pursuant to this article. If such a committee is established, it shall include in its membership at least three persons licensed, REGISTERED, OR REGULATED under either part 3, 4, 5, ~~or 6~~, OR 7 of this article, whichever is applicable, and such persons shall be licensees, REGISTRANTS, OR UNLICENSED PSYCHOTHERAPISTS in the same profession as the licensee, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST who is the subject of a professional review proceeding, but such committee may be authorized to act only by a society or an association of persons licensed, REGISTERED, OR REGULATED pursuant to this article whose membership includes not less than one-third of the persons licensed, REGISTERED, OR REGULATED pursuant to part 3, 4, 5, ~~or 6~~, OR 7 of this article, whichever is applicable, residing in this state if the licensee, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST whose services are the subject of review is a member of such society or association.

(b) Any member of the professional review committee and any witness appearing before such professional review committee shall be immune from suit in any civil action brought by ~~a licensee~~ THE LICENSED, REGISTERED, OR REGULATED PERSON who is the subject of a professional review proceeding if such member or witness acts in good faith within the scope of the function of such committee, has made a reasonable effort to obtain the facts of the matter as to which he OR SHE acts, and acts in the reasonable belief that the action taken by him OR HER is warranted by the facts.

SECTION 7. 12-43-204 (3), (3.5), and (4), Colorado Revised Statutes, are amended to read:

12-43-204. Fees - renewal. (3) Every person licensed OR REGISTERED to practice psychology, ~~clinical~~ social work, marriage and family therapy, or professional counseling, OR LISTED IN THE STATE GRIEVANCE BOARD DATA BASE, within the state shall pay a renewal fee to be determined pursuant to section 24-34-105, C.R.S., and shall submit a renewal application upon a form prescribed by each board and shall receive therefor a renewal certificate, if qualified, authorizing ~~him~~ SUCH PERSON to continue ~~his~~ TO practice in this state. No fee received from licensees, REGISTRANTS, OR UNLICENSED PSYCHOTHERAPISTS seeking renewal shall be refunded. ~~The~~ EACH board shall establish renewal fees and schedules subject to the provisions of section 24-34-102 (8), C.R.S.

(3.5) The director of the division of registrations shall coordinate fee setting pursuant to this section so that all ~~licensed~~ LICENSEES, REGISTRANTS, and unlicensed psychotherapists pay fees as required by this section and ~~section 12-43-220(1)~~. Fees set pursuant to this section for application, examination, licensing and renewal of such licenses for psychologists, licensed clinical social workers, marriage and family therapists, and licensed professional counselors shall be as uniform as possible. ~~The fee set by the grievance board for all psychotherapists required to be listed in the state directory pursuant to section 12-43-220(1) shall be uniform for all persons required to comply. Unlicensed psychotherapists shall also pay a fee reflecting the direct and indirect costs of the grievance activities. The above fees shall not apply to certified school psychologists, certified alcohol and drug abuse counselors, or certified domestic violence counselors; however, if in a grievance action brought against such counselors the state prevails, the costs and attorney fees of that action shall be assessed against the certified counselor involved. The above fees shall be used to fund the costs of the whole program, including the costs of the grievance board in carrying out its powers and duties under part 7 of this article.~~ SECTION 12-43-702.5 (1). THE FEES FOR RENEWAL OF LICENSES OR REGISTRATIONS FOR PSYCHOLOGISTS, SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS, AND PROFESSIONAL COUNSELORS AND FOR LISTING IN THE DATA BASE FOR UNLICENSED PSYCHOTHERAPISTS PURSUANT TO THIS SECTION SHALL BE UNIFORM.

(4) Any license OR REGISTRATION issued by a board OR ANY LISTING IN THE STATE GRIEVANCE BOARD DATA BASE shall expire by operation of law for failure ~~of the~~ licensee to timely renew ~~his~~ SUCH LICENSE, REGISTRATION, OR LISTING IN THE STATE GRIEVANCE BOARD DATA BASE. Upon compliance with this section and applicable rules and regulations regarding renewal, including the payment of a renewal fee plus a late payment fee established pursuant to section 24-34-105, C.R.S., the expired license, REGISTRATION, OR LISTING shall be reinstated; except that no license OR REGISTRATION to practice psychology, ~~clinical~~ social work, marriage and family therapy, or professional counseling ~~which~~ THAT has not been renewed for a period of time greater than two years shall be reinstated upon application for reinstatement unless the applicant demonstrates ~~his~~ continued professional competence to the board to which such applicant is applying for reinstatement.

SECTION 8. 12-43-206, Colorado Revised Statutes, is amended to read:

12-43-206. Licensure by endorsement. The board may issue a license by endorsement to engage in the practice of psychology, ~~clinical~~ social work, marriage and family therapy, or professional counseling to any applicant who has a license, registration, or certification in good standing as a psychologist, ~~clinical~~ social worker,

marriage and family therapist, or professional counselor under the laws of another jurisdiction if the applicant presents proof satisfactory to the board that, at the time of application for a Colorado license by endorsement, the applicant possesses credentials and qualifications ~~which~~ THAT are substantially equivalent to the requirements of section ~~12-43-303, 12-43-403, 12-43-503, 12-43-304, 12-43-404, 12-43-504, or 12-43-603,~~ whichever is applicable. Each board shall promulgate rules and regulations setting forth the manner in which credentials and qualifications of an applicant will be reviewed by the board.

SECTION 9. 12-43-208, Colorado Revised Statutes, is amended to read:

12-43-208. Drugs - medicine. Nothing in this article shall be construed as permitting psychologists, ~~clinical~~ social workers, marriage and family therapists, and professional counselors licensed OR REGISTERED under this article or unlicensed psychotherapists ~~or certified school psychologists~~ to administer or prescribe drugs or in any manner engage in the practice of medicine as defined by the laws of this state.

SECTION 10. 12-43-209, Colorado Revised Statutes, is amended to read:

12-43-209. Collaborate with physician. A licensee, REGISTRANT, OR unlicensed psychotherapist, ~~or certified school psychologist,~~ in order to make provision for the diagnosis and treatment of medical problems, shall collaborate with a physician licensed under the laws of this state, except when practicing pursuant to the provisions of section 12-43-201 (9). A licensee, REGISTRANT, OR unlicensed psychotherapist ~~or certified school psychologist~~ shall not diagnose, prescribe for, treat, or advise a client with reference to medical problems.

SECTION 11. The introductory portions to 12-43-211 (1) and (1) (b) and 12-43-211 (1) (b) (II), (1) (b) (III), (2), and (3), Colorado Revised Statutes, are amended to read:

12-43-211. Professional service corporations for the practice of psychology, social work, marriage and family therapy, and professional counseling - definitions. (1) Licensees ~~and certified school psychologists~~ may form professional service corporations for the practice of psychology, ~~clinical~~ social work, marriage and family therapy, or professional counseling under the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S., if such corporations are organized and operated in accordance with the provisions of this section. The articles of incorporation of such corporations shall contain provisions complying with the following requirements:

(b) The corporation shall be organized by licensees ~~or certified school psychologists~~ for the purpose of conducting the practice of psychology, ~~clinical~~ social work, marriage and family therapy, or professional counseling by the respective licensees of those practices. ~~or conducting activities authorized by section 12-43-304 (5) (b), by certified school psychologists.~~ The corporation may be organized with any other person, and any person may own shares in such corporation, if the following conditions are met:

(II) ~~The practice of psychotherapy as defined in section 12-43-304 (5) by the professional service corporation is performed by a certified school psychologist acting~~

~~independently or under the supervision of a person licensed pursuant to this article or a certified school psychologist. Any certified school psychologist member of the professional service corporation remains individually responsible for his professional acts and conduct as provided elsewhere in this article; or~~

(III) The practice of social work by the professional service corporation is performed by a licensed ~~clinical~~ social worker acting independently or under the supervision of a person licensed pursuant to this article or a licensed ~~clinical~~ social worker. Any licensed ~~clinical~~ social worker member of the professional service corporation remains individually responsible for his OR HER professional acts and conduct as provided elsewhere in this article; or

(2) The corporation shall do nothing ~~which~~ THAT, if done by a licensee ~~or certified school psychologist~~ and employed by it, would violate the provisions of ~~section 12-43-704 (1)~~ SECTION 12-43-222 (1). Any violation of this section by the corporation shall be grounds for the ~~grievance~~ A board to discipline any licensee ~~or certified school psychologist pursuant to section 12-43-705~~ SECTION 12-43-224.

(3) Nothing in this section shall be deemed to diminish or change the obligation of each licensee ~~or certified school psychologist~~ employed by the corporation to conduct his OR HER practice so as not to violate the provisions of ~~section 12-43-704 (1)~~ SECTION 12-43-222 (1). Any licensee ~~or certified school psychologist~~ who by act or omission causes the corporation to act or fail to act in a way ~~which~~ THAT violates the provisions of ~~section 12-43-704 (1)~~ SECTION 12-43-222 (1) or any provision of this section shall be deemed personally responsible for such act or omission and shall be subject to discipline THEREFOR by the ~~grievance~~ board. ~~therefor.~~

SECTION 12. 12-43-212 (3), Colorado Revised Statutes, is amended to read:

12-43-212. Denial of license - renewal. (3) If a board has any reason to believe that or receives any information that an applicant, renewal applicant, or reinstatement applicant has done any of the acts set forth in ~~section 12-43-704 (1)~~ SECTION 12-43-222 (1) as grounds for discipline, ~~the board shall refer the matter to the grievance board. If the grievance board finds no basis to deny the license, it shall notify the board and the board may grant a license to the applicant, renewal applicant, or reinstatement applicant~~ THE BOARD MAY DENY A LICENSE TO THE APPLICANT, RENEWAL APPLICANT, OR REINSTATEMENT APPLICANT IF THE BOARD DETERMINES THAT THERE IS A BASIS FOR SUCH DENIAL. The order of the board to grant or deny such license shall be the final agency action.

SECTION 13. The introductory portion to 12-43-214 (1) and 12-43-214 (1) (a), (1) (d) (III), and (1) (d) (IV), Colorado Revised Statutes, are amended to read:

12-43-214. Mandatory disclosure of information to clients. (1) Except as otherwise provided in subsection (4) of this section, every unlicensed psychotherapist, licensee, ~~or certified school psychologist, when such unlicensed psychotherapist, licensee, or certified school psychologist is practicing outside the school setting,~~ OR REGISTRANT shall provide the following information in writing to each client during the initial client contact:

(a) The name, business address, and business phone number of the unlicensed

psychotherapist, licensee, or ~~certified school psychologist~~ REGISTRANT;

(d) A statement indicating that:

(III) In a professional relationship, sexual intimacy is never appropriate and should be reported to the ~~grievance~~ board THAT REGULATES, REGISTERS, OR LICENSES SUCH UNLICENSED PSYCHOTHERAPIST, REGISTRANT, OR LICENSEE;

(IV) The information provided by the client during therapy sessions is legally confidential in the case of licensed marriage and family therapists, ~~clinical~~ social workers, professional counselors, and psychologists, ~~and certified school psychologists~~; AND UNLICENSED PSYCHOTHERAPISTS, except as provided in section 12-43-218 and except for certain legal exceptions ~~which~~ THAT will be identified by the licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST should any such situation arise during therapy.

SECTION 14. 12-43-215 (1) and (8), Colorado Revised Statutes, are amended to read:

12-43-215. Scope of article - exemptions. (1) Any person engaged in the practice of religious ministry shall not be required to comply with the provisions of this article; except that such person shall not hold himself OR HERSELF out to the public by any title incorporating the terms "psychologist", "SOCIAL WORKER", "REGISTERED SOCIAL WORKER", "RSW", "LICENSED SOCIAL WORKER", "LSW", "LICENSED INDEPENDENT SOCIAL WORKER", "LISW", "licensed clinical social worker", "clinical social worker", "LCSW", "licensed marriage and family therapist", "LMFT", "licensed professional counselor", "~~certified school psychologist~~", or "~~CSP~~" OR "LPC", unless that person has been licensed pursuant to this article. ~~or certified as a certified school psychologist.~~

(8) The provisions of ~~section 12-43-220~~ SECTION 12-43-702.5 shall not apply to employees of community mental health centers OR CLINICS as those centers OR CLINICS are defined by section 27-1-201, C.R.S., but such persons practicing ~~psychotherapy~~ outside the scope of employment as employees of a facility defined by section 27-1-201, C.R.S., shall be subject to the provisions of ~~section 12-43-220~~ SECTION 12-43-702.5.

SECTION 15. 12-43-216, Colorado Revised Statutes, is amended to read:

12-43-216. Title use restrictions. A psychologist, ~~clinical~~ social worker, marriage and family therapist, or professional counselor may only use the title for which he OR SHE is licensed OR REGISTERED under this article. Except as provided in section ~~12-43-304(5)~~ 12-43-306 (3), no other person shall hold himself OR HERSELF out to the public by any title or description of services incorporating the terms "licensed clinical social worker", "clinical social worker", "LCSW", "SOCIAL WORKER", "REGISTERED SOCIAL WORKER", "RSW", "LICENSED SOCIAL WORKER", "LSW", "LICENSED INDEPENDENT SOCIAL WORKER", "LISW", "marriage and family therapist", "LMFT", "professional counselor", "LPC", "psychologist", "psychology", or "psychological", and ~~he~~ NO OTHER PERSON shall ~~not~~ state or imply that he OR SHE is licensed OR REGISTERED to practice ~~clinical~~ social work, marriage and family therapy, professional counseling, or psychology. Nothing in this section shall prohibit

a person from stating or using the educational degrees ~~which he~~ THAT SUCH PERSON has obtained.

SECTION 16. 12-43-218 (1), (2) (a), and (2) (b), the introductory portion to 12-43-218 (2) (c), and 12-43-218 (2) (c) (I), (2) (c) (II), and (3), Colorado Revised Statutes, are amended to read:

12-43-218. Disclosure of confidential communications. (1) A licensee, LICENSED or certified school psychologist, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST shall not disclose, without the consent of ~~his~~ THE client, any confidential communications made by the client, ~~to him~~; or ~~his~~ advice given thereon, in the course of professional employment; nor shall a licensee's, LICENSED or certified school psychologist's, REGISTRANT'S, OR UNLICENSED PSYCHOTHERAPIST'S employee or associate, whether clerical or professional, disclose any knowledge of said communications acquired in such capacity; nor shall any person who has participated in any therapy conducted under the supervision of a licensee, LICENSED or certified school psychologist, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST, including, but not limited to, group therapy sessions, disclose any knowledge gained during the course of such therapy without the consent of the person to whom the knowledge relates.

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

(a) A client or the heirs, executors, or administrators of a client file suit or a complaint against a licensee, LICENSED or certified school psychologist, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST on any cause of action arising out of or connected with the care or treatment of such client by the licensee, LICENSED or certified school psychologist, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST;

(b) A licensee, LICENSED or certified school psychologist, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST was in consultation with a physician, registered professional nurse, licensee, LICENSED or certified school psychologist, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST against whom a suit or complaint was filed based on the case out of which said suit or complaint arises;

(c) A review of services of a licensee, LICENSED or certified school psychologist, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST is conducted by any of the following:

(I) ~~The grievance~~ A board or a person or group authorized by such board to make an investigation on its behalf;

(II) The governing board of a hospital licensed pursuant to part 1 of article 3 of title 25, C.R.S., where said licensee, LICENSED or certified school psychologist, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST practices or the medical staff of such hospital if the medical staff operates pursuant to written bylaws approved by the governing board of such hospital; or

(3) The records and information produced and used in the review provided for in paragraph (c) of subsection (2) of this section shall not become public records solely by virtue of the use of such records and information. The identity of any client whose

records are so reviewed shall not be disclosed to any person not directly involved in such review process, and procedures shall be adopted by ~~the grievance~~ A board, hospital, association, or society to ensure that the identity of the client is concealed during the review process itself and to comply with the provisions of ~~section 12-43-705 (4)~~ SECTION 12-43-224 (4).

SECTION 17. Repeal of provisions being relocated in this act. 12-43-220, Colorado Revised Statutes, is repealed.

SECTION 18. Part 2 of article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

12-43-221. [Formerly 12-43-703] Powers and duties of the boards. (1) In addition to all other powers and duties conferred and imposed upon the ~~grievance board~~ BOARDS, AS DEFINED IN SECTION 12-43-201 (1), by this article, ~~the grievance board has~~ EACH BOARD HAS the following powers and duties WITH RESPECT TO THE LICENSING, REGISTRATION, AND REGULATION OF THE PERSONS LICENSED, REGISTERED, OR LISTED BY EACH INDIVIDUAL BOARD PURSUANT TO PART 3, 4, 5, 6, OR 7 OF THIS ARTICLE:

(a) To annually elect one of its members as ~~chairman~~ CHAIRPERSON and one as ~~vice-chairman.~~ VICE-CHAIRPERSON. EACH BOARD may meet at such times and adopt such rules for its government as it deems proper.

(b) To make investigations, hold hearings, and take evidence in accordance with the provisions of article 4 of title 24, C.R.S., and this article in all matters relating to the exercise and performance of the powers and duties vested in ~~the grievance~~ EACH board and, in connection with any investigation or hearing and through any member or an administrative law judge, to subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry or hearing. Any subpoena issued pursuant to this article shall be enforceable by the district court. Subpoenas issued on behalf of ~~the~~ A board may be signed by ~~the~~ SUCH BOARD'S program administrator.

(c) To aid the several district attorneys of this state in the enforcement of this article and in the prosecution of all persons, firms, associations, or corporations charged with the violation of any of its provisions and to report to the appropriate district attorney any violation of this article ~~which~~ THAT it reasonably believes involves a criminal violation;

(d) To take disciplinary actions in conformity with this article;

(e) Through the department of regulatory agencies and subject to appropriations made to the department of regulatory agencies, to employ administrative law judges on a full-time or part-time basis to conduct any hearings required by this article. The administrative law judges shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S.

(f) To notify the public of all disciplinary actions taken against licensees, ~~or certified school psychologists and~~ REGISTRANTS, OR unlicensed psychotherapists

pursuant to this article.

~~(g) To request that any board or individual board member advise it or an administrative law judge it employs in any disciplinary matter. In addition, the grievance board may request the assistance of a professional psychologist, clinical social worker, marriage and family therapist, professional counselor, or certified school psychologist when a disciplinary matter relates to a practitioner within the same field of practice as the professional psychologist, clinical social worker, marriage and family therapist, professional counselor, or certified school psychologist respectively.~~

(2) Pursuant to this ~~part 7~~ PART 2 and article 4 of title 24, C.R.S., ~~the grievance~~ EACH board is authorized to adopt and revise such rules ~~and regulations~~ as may be necessary to enable it to carry out the provisions of this ~~part 7~~ PART 2 WITH RESPECT TO THE REGULATION OF THE PERSONS LICENSED, REGISTERED, OR REGULATED BY EACH INDIVIDUAL BOARD PURSUANT TO PART 3, 4, 5, 6, OR 7 OF THIS ARTICLE.

12-43-222. [Formerly 12-43-704] Prohibited activities - related provisions.

(1) A person ~~practicing psychotherapy under this article~~ LICENSED, REGISTERED, OR REGULATED UNDER PART 3, 4, 5, 6, OR 7 OF THIS ARTICLE is in violation of this article if ~~he~~ SUCH PERSON:

(a) Has been convicted of a felony or has had accepted by a court a plea of guilty or nolo contendere to a felony if the felony is related to the ability to practice ~~psychotherapy~~ UNDER THIS ARTICLE. A certified copy of the judgment of a court of competent jurisdiction of such conviction or plea shall be conclusive evidence of such conviction or plea. In considering the disciplinary action, ~~the grievance~~ EACH board shall be governed by the provisions of section 24-5-101, C.R.S.

(b) Has violated or attempted to violate, directly or indirectly, or assisted or abetted the violation of, or conspired to violate any provision or term of this article or rule ~~or regulation~~ promulgated pursuant to this article or any order of a board established pursuant to this article;

(c) Has used advertising ~~which~~ THAT is misleading, deceptive, or false;

(d) (I) Has committed abuse of health insurance pursuant to section 18-13-119, C.R.S.;

(II) Has advertised through newspapers, magazines, circulars, direct mail, directories, radio, television, or otherwise that the person will perform any act prohibited by section 18-13-119, C.R.S.;

(e) Is addicted to or dependent on alcohol or any habit-forming drug, as defined in section 12-22-102 (13), or is a habitual user of any controlled substance, as defined in section 12-22-303 (7), or any alcoholic beverage;

(f) Has a physical or mental disability ~~which~~ THAT renders ~~him~~ SUCH PERSON unable to treat CLIENTS with reasonable skill and safety ~~his clients~~ or ~~which~~ THAT may endanger the health or safety of persons under ~~his~~ SUCH PERSON'S care;

(g) Has acted or failed to act in a manner ~~which~~ THAT does not meet the generally accepted standards of ~~his practice~~ THE PROFESSIONAL DISCIPLINE UNDER WHICH SUCH PERSON PRACTICES. A certified copy of a malpractice judgment of a court of competent jurisdiction shall be conclusive evidence of such act or omission, but evidence of such act or omission shall not be limited to a malpractice judgment.

(h) Has performed services outside of ~~his~~ SUCH PERSON'S area of training, experience, or competence;

(i) Has maintained relationships with clients that are likely to impair ~~his~~ SUCH PERSON'S professional judgment or increase the risk of client exploitation, such as treating employees, supervisees, close colleagues, or relatives;

(j) Has exercised undue influence on the client, including the promotion of the sale of services, goods, property, or drugs in such a manner as to exploit the client for the financial gain of the practitioner or a third party;

(k) Has failed to terminate a relationship with a client when it was reasonably clear that the client was not benefiting from the relationship and is not likely to gain such benefit in the future;

(l) Has failed to refer a client to an appropriate practitioner when the problem of the client is beyond ~~his~~ SUCH PERSON'S training, experience, or competence;

~~(4.5)~~ (m) Has failed to obtain a consultation or perform a referral when such failure is not consistent with generally accepted standards of care;

~~(n)~~ (n) Has failed to render adequate professional supervision of persons practicing ~~psychotherapy~~ PURSUANT TO THIS ARTICLE under ~~his~~ SUCH PERSON'S supervision according to generally accepted standards of practice;

~~(o)~~ (o) Has accepted commissions or rebates or other forms of remuneration for referring clients to other professional persons;

~~(p)~~ (p) Has failed to comply with any of the requirements pertaining to mandatory disclosure of information to clients pursuant to section 12-43-214;

~~(q)~~ (q) Has offered or given commissions, rebates, or other forms of remuneration for the referral of clients. Notwithstanding this provision, a licensee, ~~certified school psychologist~~, REGISTRANT, or unlicensed psychotherapist may pay an independent advertising or marketing agent compensation for advertising or marketing services rendered on ~~his~~ SUCH PERSON'S behalf by such agent, including compensation ~~which~~ THAT is paid for the results of performance of such services on a per patient basis.

~~(r)~~ (r) Has engaged in sexual contact, sexual intrusion, or sexual penetration, as defined in section 18-3-401, C.R.S., with a client during the period of time in which a therapeutic relationship exists or for up to six months after the period in which such a relationship exists;

~~(s)~~ (s) Has resorted to fraud, misrepresentation, or deception in applying for or in securing licensure or taking any examination provided for in this article;

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

(I) Willful and repeated ordering or performance, without clinical justification, of demonstrably unnecessary laboratory tests or studies;

(II) The administration, without clinical justification, of treatment ~~which~~ THAT is demonstrably unnecessary; or

(III) Ordering or performing, without clinical justification, any service, X ray, or treatment ~~which~~ THAT is contrary to the generally accepted standards of ~~his~~ SUCH PERSON'S practice;

~~(t)~~ (u) Has falsified or repeatedly made incorrect essential entries or repeatedly failed to make essential entries on patient records; or

~~(tt)~~ (v) Has committed a fraudulent insurance act, as ~~defined~~ SET FORTH in section 10-1-127, C.R.S.

(2) A disciplinary action relating to a license, REGISTRATION, OR LISTING to practice a profession licensed, REGISTERED, OR LISTED under PART 3, 4, 5, 6, OR 7 OF this article or any related occupation in any other state, territory, or country for disciplinary reasons shall be deemed to be prima facie evidence of grounds for disciplinary action, including denial of licensure, by ~~the grievance~~ A board. This subsection (2) shall apply only to disciplinary actions based upon acts or omissions in such other state, territory, or country substantially similar to those set out as grounds for disciplinary action pursuant to subsection (1) of this section.

~~(3) The grievance board shall notify the state board of education of any action the grievance board takes against a certified school psychologist pursuant to this part 7, and the state board of education may use evidence of such action in any proceeding related to the certified school psychologist, subject to the requirements of title 22, C.R.S.~~

12-43-223. [Formerly 12-43-704.5] Authority of licensing boards and the grievance board - cease and desist orders. (1) If a licensee, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST has violated any of the provisions of ~~section 12-43-704~~ SECTION 12-43-222, the ~~grievance~~ board THAT LICENSES, REGISTERS, OR REGULATES SUCH LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST may deny, revoke, or suspend any license OR REGISTRATION OR THE LISTING OF ANY UNLICENSED PSYCHOTHERAPIST IN THE GRIEVANCE BOARD DATA BASE; issue a letter of admonition to a licensee, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST; ISSUE A CONFIDENTIAL LETTER OF CONCERN TO A LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST; place a licensee, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST on probation, or apply for an injunction pursuant to ~~section 12-43-708~~ SECTION 12-43-227 to enjoin a licensee, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST from practicing the profession for which ~~he~~ SUCH PERSON is licensed, REGISTERED, OR REGULATED under this article.

(2) ~~If a certified school psychologist practicing psychotherapy outside the school setting has violated any of the provisions of section 12-43-704, the grievance board may issue a letter of admonition to such certified school psychologist, place such~~

~~certified school psychologist on probation, or apply for an injunction pursuant to section 12-43-708 to enjoin such certified school psychologist from practicing psychotherapy outside the school setting.~~

(3) If an unlicensed psychotherapist violates any of the provisions of ~~section 12-43-704~~ SECTION 12-43-222, the grievance board may REFUSE TO INCLUDE, OR permanently or for a set period of time strike the name of such psychotherapist from, the data base maintained pursuant to ~~section 12-43-220~~ SECTION 12-43-702.5, issue a letter of admonition to such unlicensed psychotherapist, ~~or~~ place such unlicensed psychotherapist on probation, or apply for an injunction pursuant to ~~section 12-43-708~~ SECTION 12-43-227 to enjoin such unlicensed psychotherapist from practicing psychotherapy.

(4) (a) If, as a result of an investigation of a complaint by any person or of an investigation on its own motion, ~~the grievance~~ A board determines that any person is acting or has acted in violation of ~~section 12-43-704~~ SECTION 12-43-222, and ~~the grievance~~ SUCH board determines that any such violation creates an emergency condition ~~which~~ THAT may affect the health, safety, or welfare of any person, the ~~grievance~~ board may issue an order to cease and desist such activity. The order shall set forth the statutes and rules ~~and regulations~~ alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts IMMEDIATELY cease. ~~forthwith~~. The person so ordered may request a hearing on the question of whether any violation occurred if such request is made within thirty days after the date of service of the order to cease and desist. Upon request, any person ordered to cease and desist unlawful acts as authorized in this subsection (4) shall be entitled to a hearing and an oral or written decision from the administrative law judge on any such order within seven working days after the issuance thereof. The hearing shall be conducted in accordance with the provisions of article 4 of title 24, C.R.S.

(b) In the event that any person fails to comply with a cease and desist order, the ~~grievance~~ ORDERING board may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested the attorney general or district attorney shall bring, a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the order.

(c) No stay of a cease and desist order shall be issued ~~before~~ UNTIL AFTER a hearing ~~thereon~~ involving both parties HAS BEEN HELD.

12-43-224. [Formerly 12-43-705] Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses. (1) (a) A proceeding for discipline of a licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST may be commenced when the ~~grievance~~ board THAT LICENSES, REGISTERS, OR REGULATES SUCH LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST has reasonable grounds to believe that a licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST under ~~the grievance~~ SUCH board's jurisdiction has committed any act or failed to act pursuant to the grounds established in ~~section 12-43-704~~ SECTION 12-43-222 OR 12-43-226.

(b) A LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST WHO HOLDS MORE THAN ONE LICENSE, REGISTRATION, OR LISTING PURSUANT TO THIS ARTICLE,

WHO HAS COMMITTED ANY ACT OR FAILED TO ACT PURSUANT TO THE GROUNDS ESTABLISHED IN SECTION 12-43-222 OR 12-43-226, SHALL BE SUBJECT TO DISCIPLINARY ACTION BY ALL BOARDS THAT LICENSE, REGISTER, OR REGULATE SUCH PERSON PURSUANT TO THIS ARTICLE. THE FINDINGS, CONCLUSIONS, AND FINAL AGENCY ORDER OF THE FIRST BOARD TO TAKE DISCIPLINARY ACTION PURSUANT TO THIS SECTION AGAINST THE LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST, OR ANY DISCIPLINARY ACTION TAKEN BY THE STATE GRIEVANCE BOARD AS IT EXISTED PRIOR TO JULY 1, 1998, SHALL BE PRIMA FACIE EVIDENCE AGAINST SUCH PERSON IN ANY SUBSEQUENT DISCIPLINARY ACTION TAKEN BY ANOTHER BOARD CONCERNING THE SAME ACT OR SERIES OF ACTS.

(c) IF A LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST, WHO MAKES APPLICATION FOR A LICENSE, REGISTRATION, OR LISTING PURSUANT TO THIS ARTICLE, HAS BEEN DISCIPLINED BY ANY BOARD CREATED PURSUANT TO THIS ARTICLE, OR THE STATE GRIEVANCE BOARD AS IT EXISTED PRIOR TO JULY 1, 1998, THE FINDINGS, CONCLUSIONS, AND FINAL AGENCY ORDER OF THE FIRST BOARD TO TAKE DISCIPLINARY ACTION PURSUANT TO THIS SECTION AGAINST THE LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST SHALL BE PRIMA FACIE EVIDENCE AGAINST SUCH PERSON IN ANY SUBSEQUENT APPLICATION MADE FOR A LICENSE, REGISTRATION, OR LISTING TO ANY OTHER BOARD CREATED PURSUANT TO THIS ARTICLE.

(2) (a) Disciplinary proceedings shall be conducted in the manner prescribed by the "State Administrative Procedure Act", article 4 of title 24, C.R.S.

(b) ~~The grievance~~ EACH board, through the department of regulatory agencies, may employ administrative law judges, on a full-time or part-time basis, to conduct hearings as provided by this article or on any matter within the ~~grievance~~ board's jurisdiction upon such conditions and terms as ~~the grievance~~ SUCH board may determine. ~~The grievance~~ A board may elect to refer a case for formal hearing to an administrative law judge, with or without an assigned advisor from ~~the grievance board or other~~ SUCH board. If ~~the grievance~~ A board so elects to refer a case with an assigned advisor and such advisor is a member of the ~~grievance~~ board, ~~he~~ THE ADVISOR shall be excluded from ~~the grievance board~~ SUCH BOARD'S review of the decision of the administrative law judge. The advisor shall assist the administrative law judge in obtaining and interpreting data pertinent to the hearing.

(c) No licensee's or ~~certified school psychologist's~~ REGISTRANT'S right to use ~~his~~ A title as provided in ~~section 12-43-304(5)(a)~~ shall be denied, revoked, or suspended by ~~the grievance~~ ANY board, nor shall a licensee, or ~~certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST be placed on probation BY ANY BOARD pursuant to the grounds established in ~~section 12-43-704~~ SECTIONS 12-43-222 AND 12-43-226, until after a hearing has been conducted if so required pursuant to section 24-4-105, C.R.S., except as provided for in emergency situations by section 24-4-104, C.R.S., or except in the event that a licensee, or ~~certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST has been adjudicated as mentally ill, gravely disabled, mentally retarded, mentally incompetent, or insane by a court of competent jurisdiction, or except in the event that a licensee, or ~~certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST violates paragraph (e) of this subsection (2), in which case, the ~~grievance~~ board THAT LICENSES, REGISTERS, OR REGULATES SUCH LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST PURSUANT TO THIS ARTICLE is empowered to summarily suspend

~~his~~ SUCH PERSON'S license, ~~or the certified school psychologist's right to use his title as provided in section 12-43-304 (5) (a);~~ REGISTRATION, OR LISTING subject to the limitation of section 24-4-104, C.R.S.

(d) If ~~the~~ A board has reasonable cause to believe that a licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST WHOM SUCH BOARD LICENSES, REGISTERS, OR REGULATES PURSUANT TO THIS ARTICLE is unable to practice with reasonable skill and safety to patients, it may require such licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST to submit to mental or physical examinations designated by the board. Upon the failure of such licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST to submit to such mental or physical examinations, unless ~~he~~ SUCH PERSON shows good cause for such failure, the board may act pursuant to paragraph (c) of this subsection (2) or enjoin a ~~certified school psychologist,~~ REGISTRANT, UNLICENSED PSYCHOTHERAPIST, or licensee pursuant to ~~section 12-43-708~~ SECTION 12-43-227 until such time as ~~he~~ SUCH PERSON submits to the required examinations.

(e) Every licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST shall be deemed to have given ~~his~~ consent to submit to mental or physical examinations when directed in writing by the board THAT LICENSES, REGISTERS, OR REGULATES SUCH LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST PURSUANT TO THIS ARTICLE and to have waived all objections to the admissibility of the examiner's testimony or examination reports on the ground of privileged communication.

(f) The results of any mental or physical examination ordered by ~~the~~ A board may be used as evidence in any proceeding initiated by ~~the~~ A board or within ~~the~~ THAT board's jurisdiction in any forum.

(3) Disciplinary actions may consist of the following:

(a) **Revocation of a license or registration.** (I) Revocation of a license by ~~the grievance~~ A board shall mean that the licensee shall surrender ~~his~~ SUCH PERSON'S license to the ~~grievance~~ board within a period of thirty days. ~~Similarly, a certified school psychologist's right to use his title as provided in section 12-43-304 (5) (a) shall cease within a period of thirty days. Failure to do so will render the licensee or certified school psychologist liable to prosecution by the district attorney.~~ REVOCATION OF A REGISTRATION OF A REGISTERED SOCIAL WORKER BY THE STATE BOARD OF SOCIAL WORK EXAMINERS SHALL MEAN THAT THE REGISTRANT SHALL SURRENDER HIS OR HER CERTIFICATE OF REGISTRATION WITHIN A PERIOD OF THIRTY DAYS.

(II) Any person whose license OR REGISTRATION to practice is revoked OR WHOSE LISTING HAS BEEN STRICKEN FROM THE DATA BASE BY THE GRIEVANCE BOARD is rendered ineligible to apply for any license, REGISTRATION, OR LISTING issued under this article until more than three years have elapsed from the date of surrender of the license OR CERTIFICATE OF REGISTRATION OR OF THE LISTING BEING STRICKEN FROM THE DATA BASE. Any reapplication after such three-year period shall be treated as a new application.

(b) **Suspension of a license, registration, or listing.** Suspension of a license OR

A REGISTRATION OF A REGISTERED SOCIAL WORKER OR A LISTING ~~or a certified school psychologist's right to use his title as provided in section 12-43-304 (5) (a)~~ by the grievance board THAT LICENSES, REGISTERS, OR REGULATES SUCH LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST PURSUANT TO THIS ARTICLE shall be for a period to be determined by the grievance SUCH board.

(c) **Probationary status.** Probationary status may be imposed by the grievance A board. If the grievance A board places a licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST on probation, it may include such conditions for continued practice as the grievance board deems appropriate to assure that the licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST is physically, mentally, and otherwise qualified to practice in accordance with generally accepted professional standards of practice, including any or all of the following:

(I) Submission by the licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST to such examinations as the grievance A board may order to determine his SUCH PERSON'S physical or mental condition or his professional qualifications;

(II) The taking by him SUCH PERSON of such therapy or courses of training or education as may be needed to correct deficiencies found either in the hearing or by such examinations;

(III) Such review or supervision of his SUCH PERSON'S practice as may be necessary to determine the quality of his THAT practice and to correct deficiencies therein; and

(IV) The imposition of restrictions upon the nature of his SUCH PERSON'S practice to assure that he OR SHE does not practice beyond the limits of his OR HER capabilities.

(d) **Issuance of letters of admonition.** Such letters shall be sent by certified mail to the licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST against whom a complaint was made. The letter shall advise the licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST that he OR SHE may, within twenty days after receipt of the letter, make a written request to the grievance board THAT ISSUED THE LETTER to institute formal disciplinary proceedings in order to formally adjudicate the conduct or acts on which the letter was based.

(e) **Issuance of confidential letters of concern.** SUCH LETTERS SHALL BE SENT BY REGISTERED MAIL TO THE LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST AGAINST WHOM A COMPLAINT WAS MADE. THE LETTER SHALL ADVISE THE LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST THAT THE BOARD IS CONCERNED ABOUT A COMPLAINT THAT THE BOARD HAS RECEIVED ABOUT THE LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST AND WHAT ACTION, IF ANY, THE LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST SHOULD TAKE TO ASSUAGE THE BOARD'S CONCERN. LETTERS OF CONFIDENTIAL CONCERN SHALL BE CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO MEMBERS OF THE PUBLIC OR IN ANY COURT ACTION UNLESS THE BOARD IS A PARTY.

(4) Complaints, investigations, hearings, meetings, or any other proceedings of ~~the grievance~~ A board conducted pursuant to the provisions of this article and relating to ~~the~~ disciplinary proceedings shall be exempt from the provisions of any law requiring that proceedings of the ~~grievance~~ board be conducted publicly or that the minutes or records of the ~~grievance~~ board with respect to action of the ~~grievance~~ board taken pursuant to the provisions of this article be open to public inspection; except that this exemption shall apply only when ~~the grievance~~ A board, or an administrative law judge acting on behalf of ~~the grievance~~ A board, specifically determines that it is in the best interest of a complainant or other recipient of services to keep such proceedings or documents relating thereto closed to the public or, if the licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST is violating ~~section 12-43-704 (1) (e)~~ SECTION 12-43-222 (1) (e), the licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST is participating in good faith in a program approved by the ~~grievance~~ board designed to end such addiction or dependency and the licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST has not violated any provisions of the ~~grievance board~~ BOARD'S order regarding ~~his~~ SUCH PERSON'S participation in such a treatment program. If the ~~grievance~~ board determines that it is in the best interest of a complainant or other recipient of services to keep such proceedings or documents relating thereto closed to the public, then the final action of the ~~grievance~~ board must be open to the public without disclosing the name of the client or other recipient.

(5) Final ~~grievance~~ board actions and orders appropriate for judicial review may be judicially reviewed in the court of appeals, and judicial proceedings for the enforcement of a ~~grievance~~ board order may be instituted in accordance with section 24-4-106 (11), C.R.S.

(6) ~~Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding before the grievance board pursuant to this article shall be immune from any liability, civil or criminal, that otherwise might result by reason of such action.~~

(7) Any ~~grievance~~ board member having an immediate personal, private, or financial interest in any matter pending before the ~~grievance~~ board shall disclose the fact to the ~~grievance~~ board and shall not vote upon such matter.

(8) Any licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST against whom a malpractice claim is settled or a judgment rendered in a court of competent jurisdiction shall notify the ~~grievance~~ board THAT LICENSES, REGISTERS, OR REGULATES SUCH LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST PURSUANT TO THIS ARTICLE of such judgment or settlement within sixty days ~~of~~ AFTER such disposition.

(9) Any licensee, ~~or certified school psychologist~~ REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST, having direct knowledge that an unlicensed psychotherapist, ~~a certified school psychologist~~ REGISTRANT, or a licensee has violated any of the provisions of ~~section 12-43-704~~ SECTION 12-43-222 OR 12-43-226, has a duty to report such knowledge to the ~~grievance~~ board THAT LICENSES, REGISTERS, OR REGULATES SUCH UNLICENSED PSYCHOTHERAPIST, REGISTRANT, OR LICENSEE PURSUANT TO THIS ARTICLE, unless such report would violate the prohibition against disclosure of confidential information without client consent pursuant to section

12-43-218.

12-43-225. [Formerly 12-43-706] Reconsideration and review of action of a licensing board or the grievance board. ~~The grievance~~ A board, on its own motion or upon application, at any time after the imposition of any discipline as provided in ~~section 12-43-705~~ SECTION 12-43-224, may reconsider its prior action and reinstate or restore such license, REGISTRATION, OR LISTING or terminate probation or reduce the severity of its prior disciplinary action. The taking of any such further action or the holding of a hearing with respect thereto shall rest in the sole discretion of the ~~grievance~~ board.

12-43-226. [Formerly 12-43-707] Unlawful acts. (1) It is unlawful for any person:

(a) To violate the provisions of section 12-43-214, 12-43-216, or ~~12-43-704 (1)~~ ~~(h)~~ 12-43-222 (1) (h);

(b) To use in connection with ~~his~~ SUCH PERSON'S name any designation tending to imply that ~~he~~ SUCH PERSON is licensed pursuant to this article ~~or certified as a certified school psychologist~~ OR REGISTERED AS A REGISTERED SOCIAL WORKER PURSUANT TO PART 4 OF THIS ARTICLE during a period when ~~his~~ SUCH PERSON'S license OR REGISTRATION has been suspended or revoked; ~~or his certificate or right to use the title "certified school psychologist" has been suspended or revoked;~~

(c) To sell or fraudulently obtain or furnish a license OR REGISTRATION to practice as a ~~clinical~~ social worker, marriage and family therapist, professional counselor, or psychologist ~~or a certificate to practice as a certified school psychologist~~ or to aid or abet therein.

(2) Any person who violates any provision of subsection (1) of this section commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S. Any person who subsequently violates any provision of subsection (1) of this section within three years after the date of a conviction for a violation of subsection (1) of this section commits a class 5 felony and shall be punished as provided in section 18-1-105, C.R.S.

(3) Such misdemeanor or felony shall be prosecuted by the district attorney of the judicial district in which the offense was committed in the name of the people of the state of Colorado.

(4) No action may be maintained for the breach of a contract involving the unlawful practice of psychology, social work, professional counseling, marriage and family therapy, OR psychotherapy ~~or certified school psychology~~ or for the recovery of compensation for services rendered under such a contract.

(5) When an individual has been the recipient of services prohibited by this article, whether or not ~~he~~ SUCH PERSON knew that the rendition of the services were unlawful:

(a) ~~He or his~~ SUCH PERSON OR SUCH PERSON'S personal representative is entitled to recover the amount of any fee paid for the services; and

(b) Damages for injury or death occurring as a result of the services may be recovered in an appropriate action without any showing of negligence.

12-43-227. [Formerly 12-43-708] Injunctive proceedings. (1) ~~The grievance~~ A board, AS DEFINED IN SECTION 12-43-201 (1), may, in the name of the people of the state of Colorado, through the attorney general of the state of Colorado, apply for an injunction in any court of competent jurisdiction:

(a) To enjoin any person LICENSED, REGULATED, OR REGISTERED BY THAT BOARD PURSUANT TO PART 3, 4, 5, 6, OR 7 OF THIS ARTICLE from committing any act prohibited by the provisions of this article;

(b) To enjoin a licensee LICENSED BY THAT BOARD from practicing the profession for which ~~he~~ SUCH PERSON is licensed under this article or ~~to enjoin a certified school psychologist from practicing psychotherapy outside the school setting~~ TO ENJOIN A REGISTERED SOCIAL WORKER FROM PRACTICING THE PROFESSION FOR WHICH SUCH PERSON IS REGISTERED UNDER PART 4 OF THIS ARTICLE, if ~~he~~ SUCH PERSON has violated the provisions of ~~section 12-43-705(2)(d)~~ SECTION 12-43-224 (2) (d) or ~~the provisions of section 12-43-704~~ SECTION 12-43-222;

(c) To enjoin an unlicensed psychotherapist from practicing psychotherapy if ~~he~~ SUCH PERSON has violated the provisions of ~~section 12-43-704~~ SECTION 12-43-222.

(2) If it is established that the defendant has been or is committing any act prohibited by this article, the court shall enter a decree perpetually enjoining said defendant from further committing said act or from practicing ~~psychotherapy~~ ANY PROFESSION LICENSED, REGISTERED, OR REGULATED PURSUANT TO THIS ARTICLE.

(3) Such injunctive proceedings shall be in addition to and not in lieu of all penalties and other remedies provided in this article.

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

12-43-228. Minimum standards for testing. (1) EVERY PERSON LICENSED, REGISTERED, OR REGULATED UNDER THIS ARTICLE SHALL MEET THE MINIMUM PROFESSIONAL PREPARATION STANDARDS SET FORTH IN THIS SECTION TO ENGAGE IN THE ADMINISTRATION, SCORING, OR INTERPRETATION OF THE FOLLOWING LEVELS OF PSYCHOMETRIC OR ELECTRODIAGNOSTIC TESTING:

(a) **General use.** THERE IS NO EDUCATIONAL OR EXPERIENCE MINIMUM NECESSARY FOR A LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST TO ADMINISTER STANDARDIZED PERSONNEL SELECTION, ACHIEVEMENT, GENERAL APTITUDE, OR PROFICIENCY TESTS.

(b) **Technical use.** A MASTER'S DEGREE IN ANTHROPOLOGY, PSYCHOLOGY, COUNSELING, MARRIAGE AND FAMILY THERAPY, SOCIAL WORK, OR SOCIOLOGY FROM A REGIONALLY ACCREDITED UNIVERSITY OR COLLEGE CERTIFIED BY THE ACCREDITING AGENCY OR BODY TO AWARD GRADUATE DEGREES AND COMPLETION OF AT LEAST ONE GRADUATE LEVEL COURSE EACH IN STATISTICS, PSYCHOMETRIC MEASUREMENT,

THEORIES OF PERSONALITY, INDIVIDUAL AND GROUP TEST ADMINISTRATION AND INTERPRETATION, AND PSYCHOPATHOLOGY IS REQUIRED IN ORDER TO ADMINISTER, SCORE, OR INTERPRET TESTS THAT REQUIRE TECHNICAL KNOWLEDGE OF TEST CONSTRUCTION AND USE OR REQUIRE THE APPLICATION OF SCIENTIFIC AND PSYCHOPHYSIOLOGICAL KNOWLEDGE. SUCH TESTS INCLUDE, BUT ARE NOT LIMITED TO, TESTS OF GENERAL INTELLIGENCE, SPECIAL APTITUDES, TEMPERAMENT, VALUES, INTERESTS, AND PERSONALITY INVENTORIES.

(c) **Advanced use.** A LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST SHALL MEET ALL THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (1) AND, IN ADDITION, COMPLETION, AT A REGIONALLY ACCREDITED UNIVERSITY OR COLLEGE CERTIFIED BY THE ACCREDITING AGENCY OR BODY TO AWARD GRADUATE DEGREES, OF AT LEAST ONE GRADUATE LEVEL COURSE IN SIX OF THE FOLLOWING AREAS: COGNITION, EMOTION, ATTENTION, SENSORY-PERCEPTUAL FUNCTION, PSYCHOPATHOLOGY, LEARNING, ENCEPHALOPATHY, NEUROPSYCHOLOGY, PSYCHOPHYSIOLOGY, PERSONALITY, GROWTH AND DEVELOPMENT, PROJECTIVE TESTING, AND NEUROPSYCHOLOGICAL TESTING AND COMPLETION OF ONE YEAR OF EXPERIENCE IN ADVANCED USE PRACTICE UNDER THE SUPERVISION OF A PERSON FULLY QUALIFIED UNDER THIS PARAGRAPH (c) IN ORDER TO PRACTICE PROJECTIVE TESTING, NEUROPSYCHOLOGICAL TESTING, OR UTILIZATION OF A BATTERY OF THREE OR MORE TESTS TO:

(I) DETERMINE THE PRESENCE, NATURE, CAUSATION, OR EXTENT OF PSYCHOSIS, DEMENTIA, AMNESIA, COGNITIVE IMPAIRMENT, INFLUENCE OF DEFICITS ON COMPETENCE, AND ABILITY TO FUNCTION ADAPTIVELY;

(II) DETERMINE THE ETIOLOGY OR CAUSATIVE FACTORS CONTRIBUTING TO PSYCHOLOGICAL DYSFUNCTION, CRIMINAL BEHAVIOR, VOCATIONAL DISABILITY, NEUROCOGNITIVE DYSFUNCTION, OR COMPETENCE; OR

(III) PREDICT THE PSYCHOLOGICAL RESPONSES TO SPECIFIC MEDICAL, SURGICAL, AND BEHAVIORAL INTERVENTIONS.

(2) THE BOARD LICENSING, REGISTERING, OR REGULATING ANY PERSON VIOLATING ANY PROVISION OF THIS SECTION MAY BRING DISCIPLINARY PROCEEDINGS OR INJUNCTIVE PROCEEDINGS AGAINST SUCH PERSON PURSUANT TO SECTION 12-43-224 OR 12-43-227.

(3) (a) ANY PERSON LICENSED UNDER THIS ARTICLE ON JULY 1, 1998, SHALL NOT BE REQUIRED TO COMPLY WITH THE EDUCATION REQUIREMENTS OF PARAGRAPHS (b) AND (c) OF SUBSECTION (1) OF THIS SECTION IF SUCH PERSON HAS, ON SUCH DATE, BEEN LICENSED UNDER THIS ARTICLE FOR A PERIOD OF SEVEN CONSECUTIVE YEARS.

(b) ANY PERSON LICENSED UNDER THIS ARTICLE ON JULY 1, 1998, SHALL NOT BE REQUIRED TO COMPLY WITH THE SUPERVISION REQUIREMENTS OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION IF SUCH PERSON HAS, ON SUCH DATE, BEEN LICENSED UNDER THIS ARTICLE FOR A PERIOD OF FIVE CONSECUTIVE YEARS.

12-43-229. [Formerly 12-43-712] Repeal of article. This article is repealed, effective July 1, ~~1998~~ 2004. Prior to such repeal, all of the boards relating to the licensing of and grievances against any person licensed, REGISTERED, OR REGULATED

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

SECTION 19. Parts 3, 4, 5, and 6 of article 43 of title 12, Colorado Revised Statutes, are REPEALED AND REENACTED, WITH AMENDMENTS, to read:

PART 3
PSYCHOLOGISTS

12-43-301. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPROVED SCHOOL" MEANS ANY UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION OFFERING A FULL-TIME GRADUATE COURSE OF STUDY IN PSYCHOLOGY AND HAVING PROGRAMS APPROVED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION OR THE BOARD.

(2) "BOARD" MEANS THE STATE BOARD OF PSYCHOLOGIST EXAMINERS CREATED BY SECTION 12-43-302 (1).

(3) "BOARD CERTIFICATE" MEANS A CERTIFICATE OF APPOINTMENT BY AN INDIVIDUAL TO THE BOARD.

(4) "LICENSE" MEANS A CERTIFICATE OF LICENSURE AS A LICENSED PSYCHOLOGIST.

(5) "LICENSE CERTIFICATE" MEANS A CERTIFICATE DOCUMENTING THE LICENSURE OF A PSYCHOLOGIST.

(6) "LICENSED PSYCHOLOGIST" MEANS A PERSON LICENSED UNDER THIS PART 3.

(7) "LICENSEE" MEANS A LICENSED PSYCHOLOGIST.

(8) "PROFESSIONAL PSYCHOLOGICAL TRAINING PROGRAM" MEANS A DOCTORAL TRAINING PROGRAM THAT:

(a) IS A PLANNED PROGRAM OF STUDY THAT REFLECTS AN INTEGRATION OF THE SCIENCE AND PRACTICE OF PSYCHOLOGY; AND

(b) FOR APPLICANTS RECEIVING THEIR TERMINAL DEGREES AFTER 1990, IS DESIGNATED AS A DOCTORAL PROGRAM IN PSYCHOLOGY BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS OR THE NATIONAL REGISTER OF HEALTH SERVICE PROVIDERS IN PSYCHOLOGY, OR IS ACCREDITED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION OR CANADIAN PSYCHOLOGICAL ASSOCIATION.

12-43-302. State board of psychologist examiners. (1) THERE IS HEREBY CREATED A STATE BOARD OF PSYCHOLOGIST EXAMINERS UNDER THE SUPERVISION AND CONTROL OF THE DIVISION OF REGISTRATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES, CREATED IN SECTION 24-1-122 (2) (g), C.R.S.

(2) THE BOARD SHALL CONSIST OF SEVEN MEMBERS WHO ARE CITIZENS OF THE UNITED STATES AND RESIDENTS OF THE STATE OF COLORADO AS FOLLOWS:

(a) THREE BOARD MEMBERS SHALL BE LICENSED PSYCHOLOGISTS ENGAGED PRIMARILY IN DIRECT PRACTICE.

(b) FOUR BOARD MEMBERS SHALL BE REPRESENTATIVES OF THE GENERAL PUBLIC. THESE INDIVIDUALS SHALL HAVE NEVER BEEN PSYCHOLOGISTS, APPLICANTS OR FORMER APPLICANTS FOR LICENSURE AS PSYCHOLOGISTS, MEMBERS OF ANOTHER MENTAL HEALTH PROFESSION, OR MEMBERS OF HOUSEHOLDS THAT INCLUDE PSYCHOLOGISTS OR MEMBERS OF ANOTHER MENTAL HEALTH PROFESSION OR OTHERWISE HAVE CONFLICTS OF INTEREST OR THE APPEARANCE OF SUCH CONFLICTS WITH THEIR DUTIES AS BOARD MEMBERS.

(3) NO BOARD MEMBER SHALL SERVE MORE THAN TWO FULL CONSECUTIVE TERMS.

(4) EACH BOARD MEMBER SHALL HOLD OFFICE UNTIL THE EXPIRATION OF SUCH MEMBER'S APPOINTED TERM OR UNTIL A SUCCESSOR IS DULY APPOINTED, EXCEPT AS PROVIDED IN THIS SUBSECTION (4). ON OR BEFORE JULY 1, 1998, THE GOVERNOR SHALL REMOVE TWO OF THE FIVE LICENSED PSYCHOLOGISTS SERVING ON THE BOARD THAT EXISTED ON JUNE 30, 1998, IN COMPLIANCE WITH SUBSECTION (2) OF THIS SECTION, AND THE REMAINING THREE SHALL HOLD OFFICE UNTIL THE EXPIRATION OF THE MEMBER'S APPOINTED TERM OR UNTIL A SUCCESSOR IS DULY APPOINTED. ON OR BEFORE JULY 1, 1998, THE GOVERNOR SHALL APPOINT TWO ADDITIONAL PUBLIC MEMBERS TO THE BOARD. THE INITIAL TERM OF ONE OF THE ADDITIONAL TWO PUBLIC MEMBERS TO BE APPOINTED TO THE BOARD SHALL BE THREE YEARS AND THE OTHER PUBLIC MEMBER SHALL BE APPOINTED FOR A TERM OF FOURS YEARS. THEREAFTER, THE TERM OF EACH MEMBER SHALL BE FOUR YEARS. ANY VACANCY OCCURRING IN BOARD MEMBERSHIP OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE GOVERNOR BY APPOINTMENT FOR THE UNEXPIRED TERM OF SUCH MEMBER.

(5) THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR MISCONDUCT, INCOMPETENCE, OR NEGLIGENCE OF DUTY AFTER GIVING THE BOARD MEMBER A WRITTEN STATEMENT OF THE CHARGES AND AN OPPORTUNITY TO BE HEARD THEREON. ACTIONS CONSTITUTING NEGLIGENCE OF DUTY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FAILURE OF BOARD MEMBERS TO ATTEND THREE CONSECUTIVE MEETINGS OR AT LEAST THREE QUARTERS OF THE TOTAL MEETINGS IN ANY CALENDAR YEAR.

(6) EACH BOARD MEMBER SHALL RECEIVE A BOARD CERTIFICATE OF APPOINTMENT FROM THE GOVERNOR, AND, BEFORE ENTERING ON THE DISCHARGE OF HIS OR HER DUTIES AND WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF APPOINTMENT, THE BOARD MEMBER SHALL SUBSCRIBE TO AN OATH FOR THE FAITHFUL PERFORMANCE OF HIS OR HER OFFICIAL DUTIES BEFORE ANY OFFICER AUTHORIZED TO ADMINISTER OATHS IN THIS STATE AND SHALL FILE THE SAME WITH THE SECRETARY OF STATE.

12-43-303. Practice of psychology defined. (1) FOR THE PURPOSES OF THIS PART 3, THE "PRACTICE OF PSYCHOLOGY" IS DEFINED AS THE OBSERVATION, DESCRIPTION, EVALUATION, INTERPRETATION, TREATMENT, OR MODIFICATION OF BEHAVIOR, COGNITIONS, OR EMOTIONS BY THE APPLICATION OF PSYCHOLOGICAL, BEHAVIORAL, AND PHYSICAL PRINCIPLES, METHODS, OR PROCEDURES, FOR THE PURPOSE OF PREVENTING OR ELIMINATING SYMPTOMATIC, MALADAPTIVE, OR UNDESIRED BEHAVIOR, COGNITIONS, OR EMOTIONS AND OF ENHANCING INTERPERSONAL RELATIONSHIPS, WORK AND LIFE ADJUSTMENT, PERSONAL EFFECTIVENESS, BEHAVIORAL HEALTH, AND MENTAL HEALTH. PSYCHOLOGISTS USE

ANY AND ALL PSYCHOLOGICAL PRINCIPLES, METHODS, AND DEVICES TO CONSIDER THE FULL RANGE OF POSSIBLE CAUSES OF PATIENTS' ILLNESSES AND SELECT AND APPLY THE APPROPRIATE TREATMENT METHODS.

(2) THE PRACTICE OF PSYCHOLOGY INCLUDES, BUT IS NOT LIMITED TO:

(a) PSYCHOLOGICAL TESTING AND THE EVALUATION OR ASSESSMENT OF PERSONAL CHARACTERISTICS SUCH AS INTELLIGENCE, PERSONALITY, ABILITIES, INTERESTS, AND APTITUDES;

(b) NEUROPSYCHOLOGICAL TESTS, ASSESSMENTS, DIAGNOSES, AND TREATMENT OF NEUROPSYCHOLOGICAL AND BRAIN DISORDERS;

(c) PSYCHOTHERAPY, WHICH MAY INCLUDE PSYCHOANALYTIC, EXISTENTIAL, COGNITIVE, AND BEHAVIORAL THERAPIES, HYPNOSIS, AND BIOFEEDBACK;

(d) CLINICAL AND COUNSELING PSYCHOLOGY, WHICH ARE THE SCIENCES OF DIAGNOSIS AND TREATMENT OF MENTAL, NEUROLOGICAL, PSYCHOPHYSIOLOGICAL, AND EMOTIONAL DISORDER OR DISABILITY, ALCOHOLISM AND SUBSTANCE ABUSE, BEHAVIORAL ABUSE INCLUDING DANGEROUSNESS TO SELF OR OTHERS, AND DISORDERS OF HABIT OR CONDUCT;

(e) REHABILITATION PSYCHOLOGY, WHICH IS THE SCIENCE OF PSYCHOLOGY DEALING WITH THE PSYCHOLOGICAL ASPECTS OF PHYSICAL ILLNESS, ACCIDENT, INJURY, OR DISABILITY AND REHABILITATION THEREFROM;

(f) HEALTH PSYCHOLOGY, WHICH IS THE SCIENCE OF PSYCHOLOGY DEALING WITH THE ROLE OF PSYCHOLOGICAL FACTORS IN HEALTH AND ILLNESS;

(g) FORENSIC PSYCHOLOGY, WHICH IS THE SCIENCE OF PSYCHOLOGY THAT DEALS WITH THE RELATION AND APPLICATION OF PSYCHOLOGICAL RESEARCH AND KNOWLEDGE TO LEGAL ISSUES, INCLUDING, BUT NOT LIMITED TO, ASSESSMENTS OF COMPETENCY IN CIVIL OR CRIMINAL MATTERS, LEGAL QUESTIONS OF SANITY, OR CIVIL COMMITMENT PROCEEDINGS;

(h) ORGANIZATIONAL PSYCHOLOGY, WHICH IS THE SCIENCE OF ASSESSMENT AND INTERVENTION BY AN EMPLOYEE WITHIN HIS OR HER ORGANIZATION OR BY A CONSULTANT RETAINED BY SUCH ORGANIZATION;

(i) COMMUNITY PSYCHOLOGY, WHICH IS THE SCIENCE OF PSYCHOLOGY EMPHASIZING PREVENTION AND EARLY DISCOVERY OF POTENTIAL DIFFICULTIES, RATHER THAN AWAITING INITIATION OF THERAPY BY AFFECTED INDIVIDUALS OR GROUPS, AND WHICH IS GENERALLY PRACTICED OUTSIDE OF AN OFFICE SETTING;

(j) SPORTS PSYCHOLOGY, WHICH IS THE SCIENCE OF PSYCHOLOGY DEALING WITH ENHANCEMENT OF ATHLETIC PERFORMANCE UTILIZING PRINCIPLES OF PSYCHOLOGICAL RESEARCH, ASSESSMENT, AND KNOWLEDGE;

(k) PSYCHOEDUCATIONAL EVALUATION, THERAPY, REMEDIATION, AND CONSULTATION; AND

(1) RESEARCH PSYCHOLOGY, WHICH IS THE APPLICATION OF RESEARCH METHODOLOGIES, STATISTICS, AND EXPERIMENTAL DESIGN TO PSYCHOLOGICAL DATA.

(3) PSYCHOLOGICAL SERVICES MAY BE RENDERED TO INDIVIDUALS, FAMILIES, GROUPS, ORGANIZATIONS, INSTITUTIONS, THE PUBLIC, AND THE COURTS.

(4) THE PRACTICE OF PSYCHOLOGY SHALL BE CONSTRUED WITHIN THE MEANING OF THIS DEFINITION WITHOUT REGARD TO WHETHER PAYMENT IS RECEIVED FOR SERVICES RENDERED.

12-43-304. Qualifications - examinations - licensure. (1) THE BOARD SHALL ISSUE A LICENSE AS A PSYCHOLOGIST, AND ISSUE AN APPROPRIATE LICENSE CERTIFICATE, TO EACH APPLICANT WHO FILES AN APPLICATION UPON A FORM AND IN SUCH MANNER AS THE BOARD PRESCRIBES, ACCOMPANIED BY SUCH FEE AS IS REQUIRED BY THE BOARD, AND WHO FURNISHES EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE:

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

(b) IS NOT IN VIOLATION OF ANY OF THE PROVISIONS OF THIS PART 3 AND THE RULES PROMULGATED BY THE BOARD;

(c) HOLDS A DOCTORATE DEGREE WITH A MAJOR IN PSYCHOLOGY, OR THE EQUIVALENT TO SUCH MAJOR AS DETERMINED BY THE BOARD, FROM AN APPROVED SCHOOL;

(d) HAS HAD AT LEAST ONE YEAR OF POSTDOCTORAL EXPERIENCE PRACTICING PSYCHOLOGY UNDER SUPERVISION APPROVED BY THE BOARD; AND

(e) HAS DEMONSTRATED PROFESSIONAL COMPETENCE BY PASSING AN EXAMINATION IN PSYCHOLOGY PRESCRIBED BY THE BOARD.

(2) UPON INVESTIGATION OF THE APPLICATION AND OTHER EVIDENCE SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE BOARD, NOT LESS THAN THIRTY DAYS PRIOR TO THE EXAMINATION, SHALL NOTIFY EACH APPLICANT THAT SUCH APPLICATION AND EVIDENCE ARE SATISFACTORY AND ACCEPTED OR UNSATISFACTORY AND REJECTED. IF THE APPLICATION IS REJECTED, THE NOTICE SHALL STATE THE REASONS FOR SUCH REJECTION.

(3) THE PLACE OF EXAMINATION SHALL BE DESIGNATED IN ADVANCE BY THE BOARD. SUCH EXAMINATION SHALL BE GIVEN NOT LESS THAN TWICE A YEAR AT SUCH TIME AND PLACE AND UNDER SUCH SUPERVISION AS THE BOARD MAY DETERMINE, IF THERE ARE APPLICANTS DESIRING TO BE EXAMINED. THE EXAMINATION SHALL BE GIVEN AT SUCH OTHER TIMES AS, IN THE OPINION OF THE BOARD, THE NUMBER OF APPLICATIONS WARRANTS.

(4) THE EXAMINATION SHALL TEST FOR KNOWLEDGE OF THE FOLLOWING THREE AREAS:

(a) GENERAL PSYCHOLOGY;

(b) CLINICAL AND COUNSELING PSYCHOLOGY; AND

(c) APPLICATION OF THE PRACTICE OF CLINICAL AND COUNSELING PSYCHOLOGY, INCLUDING KNOWLEDGE OF APPROPRIATE STATUTES AND PROFESSIONAL ETHICS.

(5) THE BOARD OR ITS DESIGNATED REPRESENTATIVES SHALL ADMINISTER AND SCORE THE EXAMINATION. THE BOARD SHALL TAKE ANY ACTIONS NECESSARY TO ENSURE IMPARTIALITY. THE PASSING SCORE IN EACH PART OF THE EXAMINATION SHALL BE DETERMINED BY THE BOARD BASED UPON A LEVEL OF MINIMUM COMPETENCY TO ENGAGE IN THE PRACTICE OF PSYCHOLOGY.

(6) IN THE EVENT THAT AN APPLICANT FAILS TO RECEIVE A PASSING GRADE ON ANY PART OF THE EXAMINATION, HE OR SHE MAY APPLY FOR REEXAMINATION ON THOSE PARTS OF THE EXAMINATION HE OR SHE DID NOT PASS AND SHALL BE ALLOWED TO TAKE A SUBSEQUENT EXAMINATION ON SUCH PARTS UPON PAYMENT OF A FEE AS SET BY THE BOARD.

12-43-305. Rights and privileges of licensure. (1) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND UNREVOKED LICENSE AS A LICENSED PSYCHOLOGIST HAS THE RIGHT TO:

(a) ENGAGE IN THE PRIVATE, INDEPENDENT PRACTICE OF PSYCHOLOGY;

(b) PRACTICE AND SUPERVISE PSYCHOLOGY PRACTICE; AND

(c) USE THE TITLE "PSYCHOLOGIST" AND THE TERMS "PSYCHOLOGY" AND "PSYCHOLOGICAL". NO OTHER PERSON MAY ASSUME THESE TITLES OR USE THESE TERMS ON ANY WORK OR LETTER, SIGN, FIGURE, OR DEVICE TO INDICATE THAT THE PERSON USING SUCH TITLE OR TERMS IS A LICENSED PSYCHOLOGIST.

(2) ANY PERSON DULY LICENSED AS A PSYCHOLOGIST SHALL NOT BE REQUIRED TO OBTAIN ANY OTHER LICENSE OR CERTIFICATION TO PRACTICE PSYCHOLOGY AS DEFINED IN SECTION 12-43-303 UNLESS OTHERWISE REQUIRED BY THE BOARD.

12-43-306. Exemptions. (1) NOTHING IN THIS PART 3 SHALL BE CONSTRUED TO PREVENT THE TEACHING OF PSYCHOLOGY, OR THE CONDUCT OF PSYCHOLOGICAL RESEARCH, IF SUCH TEACHING OR RESEARCH DOES NOT INVOLVE THE DELIVERY OR SUPERVISION OF DIRECT PSYCHOLOGICAL SERVICES TO INDIVIDUALS WHO ARE THEMSELVES, RATHER THAN A THIRD PARTY, THE INTENDED BENEFICIARIES OF SUCH SERVICES WITHOUT REGARD TO THE SOURCE OR EXTENT OF PAYMENT FOR SERVICES RENDERED. NOTHING IN THIS PART 3 SHALL PREVENT THE PROVISION OF EXPERT TESTIMONY BY PSYCHOLOGISTS WHO ARE EXEMPTED BY THIS PART 3. PERSONS HOLDING AN EARNED DOCTORAL DEGREE IN PSYCHOLOGY FROM AN APPROVED SCHOOL MAY USE THE TITLE "PSYCHOLOGIST" IN CONJUNCTION WITH THE ACTIVITIES PERMITTED IN THIS SUBSECTION (1).

(2) NOTHING IN THIS PART 3 SHALL BE CONSTRUED TO PREVENT MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THE LAWS OF THIS STATE FROM RENDERING SERVICES WITHIN THE SCOPE OF PRACTICE AS SET OUT IN THE STATUTES REGULATING THEIR PROFESSIONAL PRACTICES SO LONG AS THEY DO NOT REPRESENT THEMSELVES TO BE PSYCHOLOGISTS OR THEIR SERVICES AS PSYCHOLOGICAL.

(3) THE USE OF THE TITLE "PSYCHOLOGIST" MAY BE CONTINUED BY AN UNLICENSED PERSON WHO, AS OF JULY 1, 1982, IS EMPLOYED BY A STATE, COUNTY, OR MUNICIPAL AGENCY OR BY OTHER POLITICAL SUBDIVISIONS OR ANY EDUCATIONAL INSTITUTION CHARTERED BY THE STATE, BUT ONLY SO LONG AS SUCH PERSON REMAINS IN THE EMPLOYMENT OF THE SAME INSTITUTION OR AGENCY AND ONLY IN THE COURSE OF CONDUCTING DUTIES FOR SUCH AGENCY OR INSTITUTION.

(4) NOTHING IN THIS PART 3 SHALL BE CONSTRUED TO LIMIT THE USE OF AN OFFICIAL TITLE ON THE PART OF ANY DOCTORAL LEVEL GRADUATE OF A RESEARCH PSYCHOLOGY PROGRAM OR AN INDUSTRIAL OR ORGANIZATIONAL PSYCHOLOGY PROGRAM FROM A REGIONALLY ACCREDITED UNIVERSITY WHILE ENGAGED IN THE CONDUCT OF PSYCHOLOGICAL RESEARCH OR THE PROVISION OF PSYCHOLOGICAL CONSULTATION TO ORGANIZATIONS OR INSTITUTIONS IF SUCH SERVICES DO NOT INCLUDE THE CLINICAL PRACTICE OF PSYCHOLOGY.

(5) NOTHING IN THIS PART 3 SHALL BE CONSTRUED TO REQUIRE THE NEW REGULATION OF ANY OCCUPATIONAL OR PROFESSIONAL GROUP THAT IS NOT CURRENTLY SUBJECT TO REGULATION UNDER STATE LAW.

(6) NOTHING IN THIS PART 3 SHALL BE CONSTRUED TO PREVENT THE PRACTICE OF PSYCHOTHERAPY BY UNLICENSED PERSONS WHO ARE LISTED WITH THE STATE GRIEVANCE BOARD PURSUANT TO SECTION 12-43-702.5.

(7) NO PERSON MAY ENGAGE IN THE PRACTICE OF PSYCHOLOGY AS A PSYCHOLOGIST, OR REFER TO HIMSELF OR HERSELF AS A PSYCHOLOGIST, UNLESS SUCH PERSON IS LICENSED PURSUANT TO THIS PART 3.

PART 4 SOCIAL WORKERS

12-43-401. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPROVED SCHOOL" MEANS ANY UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION OFFERING A FULL-TIME UNDERGRADUATE COURSE OF STUDY IN SOCIAL WORK APPROVED BY THE COUNCIL ON SOCIAL WORK EDUCATION OR ITS PREDECESSOR ORGANIZATION.

(2) "BOARD" MEANS THE STATE BOARD OF SOCIAL WORK EXAMINERS, CREATED IN SECTION 12-43-402.

(3) "CERTIFICATE" MEANS A CERTIFICATE OF LICENSURE AS A LICENSED SOCIAL WORKER, A LICENSED INDEPENDENT SOCIAL WORKER, OR A LICENSED CLINICAL SOCIAL WORKER AND A CERTIFICATE OF REGISTRATION AS A REGISTERED SOCIAL WORKER.

(4) "CLINICAL SOCIAL WORK PRACTICE" MEANS THE PRACTICE OF SOCIAL WORK IN ADDITION TO THE EXPLICIT PRACTICE OF PSYCHOTHERAPY AS A LICENSED SOCIAL WORKER AS DEFINED IN SECTION 12-43-201.

(5) "GRADUATE SCHOOL OF SOCIAL WORK" MEANS ANY UNIVERSITY OR OTHER

INSTITUTION OF HIGHER EDUCATION OFFERING A FULL-TIME GRADUATE COURSE OF STUDY IN SOCIAL WORK APPROVED BY THE COUNCIL ON SOCIAL WORK EDUCATION OR ITS PREDECESSOR ORGANIZATION.

(6) "INDEPENDENT PRIVATE PRACTICE" MEANS A PRACTICE CHARGING A FEE IN A SETTING OTHER THAN UNDER THE AUSPICES OF A PUBLIC OR PRIVATE NONPROFIT AGENCY EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION 501 (C) (3) OF THE "INTERNAL REVENUE CODE OF 1954", AS AMENDED.

(7) "LICENSED CLINICAL SOCIAL WORKER" MEANS ANY PERSON LICENSED UNDER THE PROVISIONS OF THIS PART 4 AS A CLINICAL SOCIAL WORKER.

(8) "LICENSED SOCIAL WORKER" OR "LICENSED INDEPENDENT SOCIAL WORKER" MEANS A PERSON LICENSED UNDER THE PROVISIONS OF THIS PART 4.

(9) "LICENSEE" MEANS A LICENSED SOCIAL WORKER, LICENSED INDEPENDENT SOCIAL WORKER, OR LICENSED CLINICAL SOCIAL WORKER.

(10) "REGISTERED SOCIAL WORKER" MEANS A PERSON REGISTERED UNDER THE PROVISIONS OF THIS PART 4.

12-43-402. State board of social work examiners. (1) THERE IS HEREBY CREATED UNDER THE SUPERVISION AND CONTROL OF THE DIVISION OF REGISTRATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES THE STATE BOARD OF SOCIAL WORK EXAMINERS, WHICH SHALL CONSIST OF SEVEN MEMBERS WHO ARE CITIZENS OF THE UNITED STATES AND RESIDENTS OF THE STATE OF COLORADO.

(2) (a) DURING THE PERIOD ENDING JULY 1, 1999, THREE BOARD MEMBERS SHALL BE LICENSED CLINICAL SOCIAL WORKERS ENGAGED PRIMARILY IN DIRECT PRACTICE. THEREAFTER, ONE BOARD MEMBER SHALL BE A LICENSED INDEPENDENT SOCIAL WORKER AND TWO BOARD MEMBERS SHALL BE LICENSED CLINICAL SOCIAL WORKERS ENGAGED PRIMARILY IN DIRECT PRACTICE.

(b) FOUR BOARD MEMBERS SHALL BE REPRESENTATIVES OF THE GENERAL PUBLIC. THESE INDIVIDUALS SHALL HAVE NEVER BEEN A SOCIAL WORKER, AN APPLICANT OR FORMER APPLICANT FOR LICENSURE AS A SOCIAL WORKER, A MEMBER OF ANOTHER MENTAL HEALTH PROFESSION, OR A MEMBER OF A HOUSEHOLD THAT INCLUDES A SOCIAL WORKER OR A MEMBER OF ANOTHER MENTAL HEALTH PROFESSION OR OTHERWISE HAVE CONFLICTS OF INTEREST OR THE APPEARANCE OF SUCH CONFLICTS WITH HIS OR HER DUTIES AS A BOARD MEMBER.

(3) EACH BOARD MEMBER SHALL HOLD OFFICE UNTIL THE EXPIRATION OF SUCH MEMBER'S APPOINTED TERM OR UNTIL A SUCCESSOR IS DULY APPOINTED, EXCEPT AS PROVIDED IN THIS SUBSECTION (3). ON OR BEFORE JULY 1, 1998, THE GOVERNOR SHALL REMOVE TWO OF THE FIVE LICENSED CLINICAL SOCIAL WORKERS SERVING ON THE BOARD AS IT EXISTED ON JUNE 30, 1998, IN COMPLIANCE WITH SUBSECTION (2) OF THIS SECTION. ON OR BEFORE JULY 1, 1998, THE GOVERNOR SHALL APPOINT TWO ADDITIONAL PUBLIC MEMBERS TO THE BOARD. THE INITIAL TERM OF ONE OF THE ADDITIONAL PUBLIC MEMBERS TO BE APPOINTED TO THE BOARD SHALL BE THREE YEARS, AND THE OTHER ADDITIONAL PUBLIC MEMBER SHALL BE APPOINTED FOR A TERM OF FOUR YEARS. ON OR BEFORE JULY 1, 1999, THE GOVERNOR SHALL REMOVE

ONE OF THE THREE LICENSED CLINICAL SOCIAL WORKERS SERVING ON THE BOARD IN COMPLIANCE WITH SUBSECTION (2) OF THIS SECTION. ON OR BEFORE JULY 1, 1999, THE GOVERNOR SHALL APPOINT A LICENSED INDEPENDENT SOCIAL WORKER TO THE BOARD. THE INITIAL TERM OF THE LICENSED INDEPENDENT SOCIAL WORKER TO BE APPOINTED TO THE BOARD SHALL BE THREE YEARS. THEREAFTER, THE TERM OF EACH MEMBER SHALL BE FOUR YEARS. ANY VACANCY OCCURRING IN BOARD MEMBERSHIP OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE GOVERNOR BY APPOINTMENT FOR THE REMAINDER OF THE UNEXPIRED TERM OF SUCH MEMBER.

(4) NO BOARD MEMBER SHALL SERVE MORE THAN TWO FULL CONSECUTIVE TERMS.

(5) THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR MISCONDUCT, INCOMPETENCE, OR NEGLIGENCE OF DUTY AFTER GIVING THE BOARD MEMBER A WRITTEN STATEMENT OF THE CHARGES AND AN OPPORTUNITY TO BE HEARD THEREON. ACTIONS CONSTITUTING NEGLIGENCE OF DUTY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FAILURE OF BOARD MEMBERS TO ATTEND THREE CONSECUTIVE MEETINGS OR AT LEAST THREE QUARTERS OF THE TOTAL MEETINGS IN ANY CALENDAR YEAR.

(6) EACH BOARD MEMBER SHALL RECEIVE A CERTIFICATE OF APPOINTMENT FROM THE GOVERNOR, AND, BEFORE ENTERING ON THE DISCHARGE OF HIS OR HER DUTIES AND WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF APPOINTMENT, THE BOARD MEMBER SHALL SUBSCRIBE TO AN OATH FOR THE FAITHFUL PERFORMANCE OF HIS OR HER OFFICIAL DUTIES BEFORE ANY OFFICER AUTHORIZED TO ADMINISTER OATHS IN THIS STATE AND SHALL FILE THE SAME WITH THE SECRETARY OF STATE.

12-43-403. Social work practice defined. (1) FOR THE PURPOSES OF THIS PART 4, "SOCIAL WORK PRACTICE" MEANS THE PROFESSIONAL APPLICATION OF SOCIAL WORK THEORY AND METHODS BY A GRADUATE WITH A MASTER'S DEGREE IN SOCIAL WORK, A DOCTORAL DEGREE IN SOCIAL WORK, OR A BACHELOR'S DEGREE IN SOCIAL WORK FROM AN ACCREDITED SOCIAL WORK PROGRAM, FOR THE PURPOSE OF PREVENTION, ASSESSMENT, DIAGNOSIS, AND INTERVENTION WITH INDIVIDUAL, FAMILY, GROUP, ORGANIZATIONAL, AND SOCIETAL PROBLEMS, INCLUDING ALCOHOL AND SUBSTANCE ABUSE AND DOMESTIC VIOLENCE, BASED ON THE PROMOTION OF BIOPSYCHOSOCIAL DEVELOPMENTAL PROCESSES, PERSON-IN ENVIRONMENT TRANSACTIONS, AND EMPOWERMENT OF THE CLIENT SYSTEM. SOCIAL WORK THEORY AND METHODS ARE BASED ON KNOWN ACCEPTED PRINCIPLES THAT ARE TAUGHT IN PROFESSIONAL SCHOOLS OF SOCIAL WORK IN COLLEGES OR UNIVERSITIES ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION.

(2) PROFESSIONAL SOCIAL WORK PRACTICE MAY INCLUDE, BUT IS NOT LIMITED TO:

- (a) ASSESSMENT;
- (b) DIFFERENTIAL DIAGNOSIS;
- (c) TREATMENT PLANNING AND EVALUATION;
- (d) MEASUREMENT OF PSYCHOSOCIAL FUNCTIONING;
- (e) CRISIS INTERVENTION, OUT-REACH, SHORT- AND LONG-TERM TREATMENT;

- (f) THERAPEUTIC, INDIVIDUAL, MARITAL, AND FAMILY INTERVENTIONS;
- (g) CLIENT EDUCATION;
- (h) CASE MANAGEMENT;
- (i) MEDIATION;
- (j) ADVOCACY;
- (k) DISCHARGE, REFERRAL, AND CONTINUITY OF CARE PLANNING AND IMPLEMENTATION;
- (l) CONSULTATION;
- (m) SUPERVISION;
- (n) RESEARCH;
- (o) MANAGEMENT AND ADMINISTRATION;
- (p) PROGRAM EVALUATION AND EDUCATION;
- (q) SOCIAL GROUP WORK;
- (r) COMMUNITY ORGANIZATION AND DEVELOPMENT;
- (s) SOCIAL POLICY ANALYSIS AND DEVELOPMENT; AND
- (t) PSYCHOTHERAPY.

(3) SOCIAL WORK PRACTICE MAY TAKE PLACE IN A PUBLIC OR PRIVATE AGENCY OR INSTITUTIONAL, EDUCATIONAL, OR INDEPENDENT SETTING.

(4) SOCIAL WORK PRACTICE IS DIRECTLY BASED UPON AN ADVANCED EDUCATIONAL PROGRAM THAT TEACHES THE PRACTITIONER TO ANALYZE, INTERVENE, AND EVALUATE IN WAYS THAT ARE HIGHLY DIFFERENTIATED, DISCRIMINATING, AND SELF-CRITICAL. A PRACTITIONER MUST BE ABLE TO SYNTHESIZE AND APPLY A BROAD RANGE OF KNOWLEDGE AS WELL AS PRACTICE WITH A HIGH DEGREE OF AUTONOMY AND SKILL. A PRACTITIONER MUST BE ABLE TO REFINE AND ADVANCE THE QUALITY OF HIS OR HER PRACTICE AS WELL AS THAT OF THE LARGER SOCIAL WORK PROFESSION. THESE ADVANCED COMPETENCIES MUST BE APPROPRIATELY INTEGRATED AND REFLECTED IN ALL ASPECTS OF A SOCIAL WORK PRACTICE, INCLUDING THE ABILITY TO:

- (a) APPLY CRITICAL THINKING SKILLS WITHIN PROFESSIONAL CONTEXTS, INCLUDING SYNTHESIZING AND APPLYING APPROPRIATE THEORIES AND KNOWLEDGE TO PRACTICE INTERVENTIONS;
- (b) PRACTICE WITHIN THE VALUES AND ETHICS OF THE SOCIAL WORK PROFESSION AND WITH AN UNDERSTANDING OF, AND RESPECT FOR, THE POSITIVE VALUE OF DIVERSITY;

(c) DEMONSTRATE THE PROFESSIONAL USE OF SELF;

(d) UNDERSTAND THE FORMS AND MECHANISMS OF OPPRESSION AND DISCRIMINATION AND THE STRATEGIES AND SKILLS OF CHANGE THAT ADVANCE SOCIAL AND ECONOMIC JUSTICE;

(e) UNDERSTAND AND INTERPRET THE HISTORY OF THE SOCIAL WORK PROFESSION AND ITS CURRENT STRUCTURE AND ISSUES;

(f) APPLY THE KNOWLEDGE AND SKILLS OF A GENERALIST SOCIAL WORK PERSPECTIVE TO PRACTICE WITH SYSTEMS OF ALL SIZES;

(g) APPLY THE KNOWLEDGE AND SKILLS OF ADVANCED SOCIAL WORK PRACTICE IN AN AREA OF CONCENTRATION;

(h) CRITICALLY ANALYZE AND APPLY KNOWLEDGE OF BIOPSYCHOSOCIAL VARIABLES THAT AFFECT AN INDIVIDUAL'S DEVELOPMENT AND BEHAVIOR AND USE THEORETICAL FRAMEWORKS TO UNDERSTAND THE INTERACTIONS AMONG AND BETWEEN INDIVIDUALS AND SOCIAL SYSTEMS;

(i) ANALYZE THE IMPACT OF SOCIAL POLICES ON CLIENT SYSTEMS, WORKERS, AND AGENCIES AND DEMONSTRATE SKILLS FOR INFLUENCING POLICY FORMULATION AND CHANGE;

(j) EVALUATE RELEVANT RESEARCH STUDIES AND APPLY FINDINGS TO PRACTICE, AND DEMONSTRATE SKILLS IN QUANTITATIVE RESEARCH DESIGN, DATA ANALYSIS, AND KNOWLEDGE DISSEMINATION;

(k) CONDUCT EMPIRICAL EVALUATIONS OF THEIR OWN PRACTICE INTERVENTIONS AND THOSE OF OTHER RELEVANT SYSTEMS; AND

(l) USE COMMUNICATION SKILLS DIFFERENTIALLY WITH A VARIETY OF CLIENT POPULATIONS, COLLEAGUES, AND MEMBERS OF THE COMMUNITY.

12-43-404. Qualifications - examination - licensure and registration. (1) THE BOARD SHALL LICENSE AS A LICENSED SOCIAL WORKER, AND ISSUE AN APPROPRIATE CERTIFICATE TO, ANY PERSON WHO FILES AN APPLICATION THEREFOR, ACCOMPANIED BY SUCH FEE AS IS REQUIRED BY SECTION 12-43-204, AND WHO SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE:

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

(b) HAS OBTAINED A MASTER'S DEGREE FROM A GRADUATE SCHOOL OF SOCIAL WORK; AND

(c) DEMONSTRATES PROFESSIONAL COMPETENCE BY SATISFACTORILY PASSING AN EXAMINATION.

(2) THE BOARD SHALL LICENSE AS A LICENSED INDEPENDENT SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER, AND ISSUE AN APPROPRIATE CERTIFICATE TO, ANY PERSON WHO FILES AN APPLICATION THEREFOR, ACCOMPANIED BY SUCH FEE AS

IS REQUIRED BY SECTION 12-43-204, AND WHO SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE:

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

(b) HAS OBTAINED A MASTER'S OR DOCTORATE DEGREE FROM A GRADUATE SCHOOL OF SOCIAL WORK;

(c) HAS PRACTICED SOCIAL WORK FOR AT LEAST TWO YEARS UNDER THE SUPERVISION OF A LICENSED INDEPENDENT SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER; AND

(d) DEMONSTRATES PROFESSIONAL COMPETENCE BY SATISFACTORILY PASSING AN EXAMINATION THAT MAY BE WRITTEN, ORAL, OR BOTH, AS PRESCRIBED BY THE BOARD.

(3) THE BOARD SHALL REGISTER AS A REGISTERED SOCIAL WORKER, AND ISSUE AN APPROPRIATE CERTIFICATE TO, ANY PERSON WHO FILES AN APPLICATION THEREFOR, ACCOMPANIED BY SUCH FEE AS IS REQUIRED BY SECTION 12-43-204, AND WHO SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE:

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

(b) HAS OBTAINED A BACHELOR'S DEGREE IN SOCIAL WORK FROM AN APPROVED SCHOOL. FOR LICENSURE, COMPLIANCE, AND DISCIPLINARY PURPOSES, A REGISTERED SOCIAL WORKER SHALL WORK UNDER THE SUPERVISION OF A LICENSED INDEPENDENT SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER; EXCEPT THAT, IN CASES WHERE NO LICENSED INDEPENDENT SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER IS AVAILABLE FOR SUPERVISION, THE REGISTERED SOCIAL WORKER MAY APPLY TO THE BOARD FOR APPROVAL FOR SUPERVISION BY A PERSON WITH EQUIVALENT EXPERIENCE AS DETERMINED BY THE BOARD.

(c) DEMONSTRATES PROFESSIONAL COMPETENCE BY SATISFACTORILY PASSING AN EXAMINATION.

(4) UPON INVESTIGATION OF THE APPLICATION FOR A CERTIFICATE AND OTHER EVIDENCE SUBMITTED, THE BOARD SHALL, NOT LESS THAN THIRTY DAYS PRIOR TO THE EXAMINATION, NOTIFY EACH APPLICANT THAT THE APPLICATION AND EVIDENCE SUBMITTED FOR LICENSURE OR REGISTRATION ARE SATISFACTORY AND ACCEPTED OR UNSATISFACTORY AND REJECTED. IF THE APPLICATION IS REJECTED, SAID NOTICE SHALL STATE THE REASONS FOR SUCH REJECTION AND PROVIDE SUGGESTIONS FOR THE PREPARATION OF REAPPLYING.

(5) THE PLACE OF EXAMINATION SHALL BE DESIGNATED IN ADVANCE BY THE BOARD AND SUCH EXAMINATION SHALL BE GIVEN AT LEAST SEMIANNUALLY AT SUCH TIME AND PLACE AND UNDER SUCH SUPERVISION AS THE BOARD MAY DETERMINE. THE BOARD SHALL GRADE THE EXAMINATION AND SHALL REPORT THE RESULTS TO THE APPLICANT NO LATER THAN THIRTY DAYS FOLLOWING THE EXAMINATION.

(6) THE DIRECTOR OF THE DIVISION OF REGISTRATIONS MAY REVIEW ANY EXAMINATION OR PROCEDURE FOR GRANTING A CERTIFICATE BY THE BOARD PRIOR TO

THE EXECUTION OF SUCH EXAMINATION OR PROCEDURE. AFTER SUCH REVIEW, IF THE DIRECTOR HAS REASON TO BELIEVE SUCH EXAMINATION OR PROCEDURE TO BE UNFAIR TO THE APPLICANTS OR UNREASONABLE IN CONTENT, THE DIRECTOR SHALL CALL ON FIVE PEOPLE LICENSED OR REGISTERED IN THE OCCUPATION OF SOCIAL WORK UNDER THIS PART 4 TO REVIEW THE EXAMINATION OR PROCEDURE JOINTLY WITH THE DIRECTOR. THE DIRECTOR AND SUCH LICENSED OR REGISTERED PERSONS, ACTING JOINTLY, MAY MAKE FINDINGS OF FACT AND RECOMMENDATIONS TO THE BOARD CONCERNING ANY EXAMINATION OR PROCEDURE. THE FINDINGS OF FACT AND RECOMMENDATIONS SHALL BE PUBLIC DOCUMENTS.

(7) ANY APPLICANT FOR A LICENSE OR REGISTRATION MAY PETITION THE BOARD TO WAIVE AN EXAMINATION AND SUBSTITUTE IN LIEU THEREOF PROOF OF COMPETENCY BY PAYING THE APPLICABLE FEES AND DEMONSTRATING THROUGH DOCUMENTATION OF SUPERVISION AND REFERENCE THAT SUCH PERSON IS COMPETENT IN SOCIAL WORK PRACTICE.

12-43-405. Rights and privileges of licensure and registration. (1) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND UNREVOKED CERTIFICATE AS A LICENSED SOCIAL WORKER, AND WHO HAS RECEIVED A LICENSE PURSUANT TO SECTION 12-43-404, HAS THE RIGHT TO PRACTICE SOCIAL WORK UNDER SUPERVISION AND USE THE TITLE "LICENSED SOCIAL WORKER", "SOCIAL WORKER", AND THE ABBREVIATION "LSW". ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND UNREVOKED CERTIFICATE AS A LICENSED SOCIAL WORKER WHOSE LICENSE WAS GRANTED PURSUANT TO THE PROVISIONS OF SECTION 12-43-404 IS ENTITLED TO ENGAGE IN THE PRIVATE, INDEPENDENT PRACTICE OF SOCIAL WORK AND HAS THE RIGHT TO PRACTICE AND SUPERVISE SOCIAL WORK PRACTICE AND USE THE TITLE "LICENSED SOCIAL WORKER", "INDEPENDENT SOCIAL WORKER", "SOCIAL WORKER", OR "LICENSED INDEPENDENT SOCIAL WORKER" AND THE ABBREVIATION "LISW". NO OTHER PERSON SHALL ASSUME THESE TITLES OR USE THESE ABBREVIATIONS ON ANY WORK OR LETTER, SIGN, FIGURE, OR DEVICE TO INDICATE THAT THE PERSON USING THE SAME IS A LICENSED SOCIAL WORKER OR A SOCIAL WORKER.

(2) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND UNREVOKED CERTIFICATE AS A LICENSED CLINICAL SOCIAL WORKER WHOSE LICENSE WAS GRANTED PURSUANT TO THE PROVISIONS OF SECTION 12-43-404 IS ENTITLED TO ENGAGE IN THE PRIVATE, INDEPENDENT PRACTICE OF CLINICAL SOCIAL WORK AND HAS THE RIGHT TO PRACTICE AND SUPERVISE CLINICAL SOCIAL WORK PRACTICE AND USE THE TITLE "LICENSED CLINICAL SOCIAL WORKER", "CLINICAL SOCIAL WORKER", "SOCIAL WORKER", OR "LICENSED SOCIAL WORKER", AND THE ABBREVIATION "LCSW". NO OTHER PERSON SHALL ASSUME THESE TITLES OR USE THESE ABBREVIATIONS ON ANY WORK OR LETTER, SIGN, FIGURE, OR DEVICE TO INDICATE THAT THE PERSON USING THE SAME IS A LICENSED CLINICAL SOCIAL WORKER OR SOCIAL WORKER.

(3) (a) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND UNREVOKED CERTIFICATE AS A REGISTERED SOCIAL WORKER HAS THE RIGHT TO USE THE TITLE "SOCIAL WORKER" OR "REGISTERED SOCIAL WORKER", AND THE ABBREVIATION "RSW". NO OTHER PERSON SHALL ASSUME SUCH TITLE OR USE SUCH ABBREVIATION ON ANY WORK OR LETTER, SIGN, FIGURE, OR DEVICE TO INDICATE THAT THE PERSON USING THE SAME IS A REGISTERED SOCIAL WORKER.

(b) ANY PERSON ENGAGED IN PROVIDING MEDICALLY RELATED SOCIAL SERVICES

IN SKILLED NURSING OR NURSING CARE FACILITIES SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE SO LONG AS THAT PERSON MEETS THE QUALIFICATIONS OF, AND PROVIDES SERVICES IN ACCORDANCE WITH, THE FEDERAL REGULATIONS GOVERNING THE MEDICARE AND MEDICAID PROGRAM PARTICIPATION OF THESE FACILITIES AND THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S REGULATIONS FOR THE LICENSING OF THESE FACILITIES.

(4) ANY PERSON DULY LICENSED AS AN INDEPENDENT SOCIAL WORKER, LICENSED CLINICAL SOCIAL WORKER, OR ANY PERSON UNDER THE SUPERVISION OF A LICENSED INDEPENDENT SOCIAL WORKER OR A LICENSED CLINICAL SOCIAL WORKER SHALL NOT BE REQUIRED TO OBTAIN ANY OTHER LICENSE OR CERTIFICATION TO PRACTICE SOCIAL WORK AS DEFINED IN SECTION 12-43-403 UNLESS OTHERWISE REQUIRED BY THE BOARD OF SOCIAL WORK EXAMINERS.

12-43-406. Scope of part. (1) THE PRACTICE OF SOCIAL WORK INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING PROFESSIONAL SERVICES: ASSESSMENT; DIFFERENTIAL DIAGNOSIS; TREATMENT PLANNING AND EVALUATION; MEASUREMENT OF PSYCHOSOCIAL FUNCTIONING; CRISIS INTERVENTION; OUT-REACH; SHORT- AND LONG-TERM TREATMENT; PSYCHOTHERAPY; THERAPEUTIC INTERVENTION; CLIENT EDUCATION; CASE MANAGEMENT; MEDIATION; ADVOCACY; DISCHARGE, REFERRAL, AND CONTINUITY OF CARE PLANNING; CONSULTATION; SUPERVISION; RESEARCH; ADMINISTRATION; EDUCATION; SOCIAL-GROUP WORK; COMMUNITY ORGANIZATION; AND SOCIAL POLICY ANALYSIS AND DEVELOPMENT. SOCIAL WORK PRACTICE ALSO MAY ENCOMPASS OTHER CURRENT OR DEVELOPING MODALITIES AND TECHNIQUES THAT ARE CONSISTENT WITH THIS SCOPE.

(2) NO PERSON MAY STATE THAT HE OR SHE IS ENGAGED IN THE PRACTICE OF SOCIAL WORK AS A SOCIAL WORKER, OR REFER TO HIMSELF OR HERSELF AS A SOCIAL WORKER, UNLESS SUCH PERSON IS LICENSED OR REGISTERED PURSUANT TO THIS PART 4. NO PERSON MAY PRACTICE AS A CLINICAL SOCIAL WORKER UNLESS LICENSED PURSUANT TO SECTION 12-43-404 (2), OR LICENSED OR REGISTERED TO PRACTICE SOCIAL WORK AND SUPERVISED PURSUANT TO SECTION 12-43-404 (2) OR (3).

(3) NO PERSON MAY SUPERVISE THE PRACTICE OF SOCIAL WORK FOR THE PURPOSE OF LICENSURE COMPLIANCE OR DISCIPLINARY PROCEEDINGS UNLESS LICENSED PURSUANT TO SECTION 12-43-404; EXCEPT THAT, IN CASES WHERE NO LCSW OR LISW IS AVAILABLE FOR SUPERVISION FOR LICENSURE, THE LICENSEE OR REGISTRANT MAY APPLY TO THE BOARD FOR APPROVAL TO BE SUPERVISED BY A PERSON WITH EQUIVALENT EXPERIENCE AS DETERMINED BY THE BOARD.

(4) NOTHING IN THIS PART 4 SHALL BE CONSTRUED TO PREVENT MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THE LAWS OF THIS STATE FROM RENDERING SERVICES WITHIN THE SCOPE OF PRACTICE SO LONG AS THEY DO NOT REPRESENT THEMSELVES TO BE SOCIAL WORKERS OR THEIR SERVICES AS SOCIAL WORK.

(5) NOTHING IN THIS PART 4 SHALL BE CONSTRUED TO PREVENT THE PRACTICE OF PSYCHOTHERAPY BY UNLICENSED PERSONS WHO ARE LISTED WITH THE STATE GRIEVANCE BOARD PURSUANT TO SECTION 12-43-702.5.

12-43-407. Exemptions. NOTHING IN THIS PART 4 SHALL BE CONSTRUED TO PREVENT THE TEACHING OF SOCIAL WORK, OR THE CONDUCT OF SOCIAL WORK

RESEARCH, IF SUCH TEACHING OR RESEARCH DOES NOT INVOLVE THE DELIVERY OR SUPERVISION OF DIRECT SOCIAL WORK SERVICES TO INDIVIDUALS WHO ARE THEMSELVES, RATHER THAN A THIRD PARTY, THE INTENDED BENEFICIARIES OF SUCH SERVICES WITHOUT REGARD TO THE SOURCE OR EXTENT OF PAYMENT FOR SERVICES RENDERED. NOTHING IN THIS PART 4 SHALL PREVENT THE PROVISION OF EXPERT TESTIMONY BY SOCIAL WORKERS WHO ARE EXEMPTED BY THIS PART 4. PERSONS HOLDING AN EARNED DOCTORAL DEGREE IN SOCIAL WORK FROM AN APPROVED SCHOOL MAY USE THE TITLE "SOCIAL WORKER" IN CONJUNCTION WITH ACTIVITIES PERMITTED IN THIS SECTION.

12-43-408. School social workers. (1) ANY PERSON WHO HOLDS A VALID MASTER'S DEGREE IN SOCIAL WORK AND HAS OBTAINED THE SPECIAL SERVICES LICENSE WITH SOCIAL WORK ENDORSEMENT ISSUED BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE "COLORADO EDUCATOR LICENSING ACT OF 1991", ARTICLE 60.5 OF TITLE 22, C.R.S., SHALL BE ISSUED THE "LISW" CERTIFICATE UPON APPLICATION AND PAYMENT OF SAID FEES AND SHALL BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

(2) THE EXAMINATION FOR THE LICENSED INDEPENDENT SOCIAL WORKER SCHOOL SOCIAL WORK COMPETENCY SHALL BE THE SAME AS THE EXAMINATION USED FOR THE SPECIAL SERVICES LICENSE WITH SOCIAL WORK ENDORSEMENT ISSUED PURSUANT TO THE "COLORADO EDUCATOR LICENSING ACT OF 1991", ARTICLE 60.5 OF TITLE 22, C.R.S.

12-43-409. Clinical social work practice of psychotherapy. FOR THE PURPOSE OF LICENSURE, THE PRACTICE OF PSYCHOTHERAPY UNDER THIS PART 4 SHALL BE LIMITED TO LICENSED CLINICAL SOCIAL WORKERS OR LICENSED SOCIAL WORKERS SUPERVISED BY LICENSED CLINICAL SOCIAL WORKERS.

12-43-410. Employees of social services. (1) NOTWITHSTANDING THE EXEMPTION IN SECTION 12-43-215 (3), NO EMPLOYEE OF THE DEPARTMENT OF HUMAN SERVICES, EMPLOYEE OF A COUNTY DEPARTMENT OF SOCIAL SERVICES, OR PERSONNEL UNDER THE DIRECT CONTROL OR SUPERVISION OF SUCH DEPARTMENTS, SHALL STATE THAT HE OR SHE IS ENGAGED IN THE PRACTICE OF SOCIAL WORK AS A SOCIAL WORKER OR REFER TO HIMSELF OR HERSELF AS A SOCIAL WORKER UNLESS LICENSED OR REGISTERED PURSUANT TO THIS PART 4.

(2) NOTWITHSTANDING THE EXEMPTION IN SECTION 12-43-215 (3), ANY EMPLOYEE LICENSED OR REGISTERED PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO IS TERMINATED FROM EMPLOYMENT BY THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES IS SUBJECT TO REVIEW AND DISCIPLINARY ACTION BY THE BOARD THAT LICENSES, REGISTERS, OR REGULATES SUCH EMPLOYEE.

(3) AN EMPLOYEE OF THE STATE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES WHO HAS EARNED A BACHELOR'S OR MASTERS DEGREE IN SOCIAL WORK MAY APPLY TO THE BOARD, FOR PURPOSES RELATED TO LICENSURE UNDER THIS PART 4, FOR APPROVAL FOR SUPERVISION BY A PERSON OTHER THAN A LICENSED INDEPENDENT SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER. THE BOARD SHALL CONSIDER INPUT FROM REPRESENTATIVES OF THE STATE DEPARTMENT OF HUMAN SERVICES AND THE COUNTY DEPARTMENTS OF SOCIAL SERVICES WHEN PROMULGATING THE RULE CONCERNING WHAT QUALIFICATIONS OR

EXPERIENCE A PERSON IS REQUIRED TO POSSESS IN ORDER TO SUPERVISE AN EMPLOYEE PURSUANT TO THIS SUBSECTION (3).

PART 5
MARRIAGE AND FAMILY THERAPISTS

12-43-501. Definitions. AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPROVED SCHOOL" MEANS ANY UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION OFFERING A FULL-TIME GRADUATE COURSE OF STUDY IN MARRIAGE AND FAMILY THERAPY ACCREDITED BY THE COMMISSION ON ACCREDITATION FOR MARRIAGE AND FAMILY THERAPY EDUCATION, A NATIONALLY RECOGNIZED ACCREDITING AGENCY AS DETERMINED BY THE BOARD, OR A SUBSTANTIALLY EQUIVALENT PROGRAM APPROVED BY THE BOARD.

(2) "BOARD" MEANS THE STATE BOARD OF MARRIAGE AND FAMILY THERAPIST EXAMINERS CREATED IN SECTION 12-43-502.

(3) "CERTIFICATE" MEANS A CERTIFICATE OF LICENSURE AS A LICENSED MARRIAGE AND FAMILY THERAPIST.

(4) "LICENSED MARRIAGE AND FAMILY THERAPIST" MEANS A PERSON LICENSED UNDER THE PROVISIONS OF THIS PART 5.

(5) "LICENSEE" MEANS A LICENSED MARRIAGE AND FAMILY THERAPIST.

12-43-502. State board of marriage and family therapist examiners.

(1) THERE IS HEREBY CREATED UNDER THE SUPERVISION AND CONTROL OF THE DIVISION OF REGISTRATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES, CREATED IN SECTION 24-1-122 (2) (g), C.R.S., THE STATE BOARD OF MARRIAGE AND FAMILY THERAPIST EXAMINERS, WHICH SHALL CONSIST OF SEVEN MEMBERS WHO ARE CITIZENS OF THE UNITED STATES AND RESIDENTS OF THE STATE OF COLORADO.

(2) (a) THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR AS FOLLOWS:

(I) FOUR MEMBERS OF THE GENERAL PUBLIC WHO ARE NOT REGULATED BY THIS ARTICLE; AND

(II) THREE MARRIAGE AND FAMILY THERAPISTS.

(b) THE PUBLIC MEMBERS SHALL HAVE NEVER BEEN A MARRIAGE AND FAMILY THERAPIST, AN APPLICANT OR FORMER APPLICANT FOR LICENSURE AS A MARRIAGE AND FAMILY THERAPIST, A MEMBER OF ANOTHER MENTAL HEALTH PROFESSION, OR A MEMBER OF A HOUSEHOLD THAT INCLUDES A MARRIAGE AND FAMILY THERAPIST OR A MEMBER OF ANOTHER MENTAL HEALTH PROFESSION OR OTHERWISE HAVE CONFLICTS OF INTEREST OR THE APPEARANCE OF SUCH CONFLICTS WITH HIS OR HER DUTIES AS A BOARD MEMBER.

(c) ON OR BEFORE JULY 1, 1998, THE GOVERNOR SHALL REMOVE TWO OF THE FIVE

LICENSED MARRIAGE AND FAMILY THERAPISTS SERVING ON THE BOARD AS IT EXISTED ON JUNE 30, 1998, IN COMPLIANCE WITH THIS SUBSECTION (2). ON OR BEFORE JULY 1, 1998, THE GOVERNOR SHALL APPOINT TWO ADDITIONAL PUBLIC MEMBERS TO THE BOARD. THE INITIAL TERM OF ONE OF THE ADDITIONAL TWO PUBLIC MEMBERS SHALL BE THREE YEARS, AND THE OTHER SHALL BE APPOINTED FOR A TERM OF FOUR YEARS.

(3) NO BOARD MEMBER SHALL SERVE MORE THAN TWO FULL CONSECUTIVE TERMS.

(4) EACH BOARD MEMBER SHALL HOLD OFFICE UNTIL THE EXPIRATION OF HIS OR HER APPOINTED TERM OR UNTIL A SUCCESSOR IS DULY APPOINTED, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, AND EACH MEMBER SHALL THEREAFTER SERVE TERMS OF FOUR YEARS. WHEN THE TERM OF EACH BOARD MEMBER EXPIRES, THE GOVERNOR SHALL APPOINT HIS OR HER SUCCESSOR FOR A TERM OF FOUR YEARS. ANY VACANCY OCCURRING IN THE BOARD MEMBERSHIP OTHER THAN BY THE EXPIRATION OF A TERM SHALL BE FILLED BY THE GOVERNOR BY APPOINTMENT FOR THE REMAINDER OF THE UNEXPIRED TERM OF SUCH MEMBER.

(5) THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR MISCONDUCT, INCOMPETENCE, OR NEGLIGENCE OF DUTY AFTER GIVING THE BOARD MEMBER A WRITTEN STATEMENT OF THE CHARGES AND AN OPPORTUNITY TO BE HEARD THEREON. ACTIONS CONSTITUTING NEGLIGENCE OF DUTY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FAILURE OF BOARD MEMBERS TO ATTEND THREE CONSECUTIVE MEETINGS OR AT LEAST THREE QUARTERS OF THE TOTAL MEETINGS IN ANY CALENDAR YEAR.

(6) EACH BOARD MEMBER SHALL RECEIVE A CERTIFICATE OF APPOINTMENT FROM THE GOVERNOR, AND, BEFORE ENTERING ON THE DISCHARGE OF HIS OR HER DUTIES AND WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF APPOINTMENT, THE BOARD MEMBER SHALL SUBSCRIBE TO AN OATH FOR THE FAITHFUL PERFORMANCE OF HIS OR HER OFFICIAL DUTIES BEFORE ANY OFFICER AUTHORIZED TO ADMINISTER OATHS IN THIS STATE AND SHALL FILE THE SAME WITH THE SECRETARY OF STATE.

12-43-503. Marriage and family therapy practice defined. (1) FOR THE PURPOSES OF THIS PART 5, "MARRIAGE AND FAMILY THERAPY PRACTICE" MEANS THE RENDERING OF PROFESSIONAL MARRIAGE AND FAMILY THERAPY SERVICES TO INDIVIDUALS, COUPLES, AND FAMILIES, SINGLY OR IN GROUPS, WHETHER SUCH SERVICES ARE OFFERED DIRECTLY TO THE GENERAL PUBLIC OR THROUGH ORGANIZATIONS, EITHER PUBLIC OR PRIVATE, FOR A MONETARY FEE. MARRIAGE AND FAMILY THERAPY UTILIZES ESTABLISHED PRINCIPLES THAT RECOGNIZE THE INTERRELATED NATURE OF INDIVIDUAL PROBLEMS AND DYSFUNCTIONS TO ASSESS, UNDERSTAND, DIAGNOSE, AND TREAT EMOTIONAL AND MENTAL PROBLEMS, ALCOHOL AND SUBSTANCE ABUSE, AND DOMESTIC VIOLENCE, AND MODIFY INTRAPERSONAL AND INTERPERSONAL DYSFUNCTIONS.

(2) PROFESSIONAL MARRIAGE AND FAMILY THERAPY PRACTICE MAY INCLUDE, BUT IS NOT LIMITED TO:

- (a) ASSESSMENT AND TESTING;
- (b) DIAGNOSIS;
- (c) TREATMENT PLANNING AND EVALUATION;

(d) THERAPEUTIC INDIVIDUAL, MARITAL, FAMILY, GROUP, OR ORGANIZATIONAL INTERVENTIONS;

(e) PSYCHOTHERAPY;

(f) CLIENT EDUCATION;

(g) CONSULTATION; AND

(h) SUPERVISION.

(3) PROFESSIONAL MARRIAGE AND FAMILY THERAPY PRACTICE INCLUDES PRACTICING WITHIN THE VALUES AND ETHICS OF THE MARRIAGE AND FAMILY THERAPY PROFESSION.

(4) THIS DEFINITION IS TO BE INTERPRETED IN A MANNER THAT DOES NOT IMPINGE UPON OR OTHERWISE LIMIT THE SCOPE OF PRACTICE OF OTHER PSYCHOTHERAPISTS LICENSED UNDER THIS ARTICLE.

12-43-504. Qualifications - examination - licensure and registration. (1) THE BOARD SHALL ISSUE A LICENSE AS A MARRIAGE AND FAMILY THERAPIST TO EACH APPLICANT WHO FILES AN APPLICATION UPON A FORM AND IN SUCH MANNER AS THE BOARD PRESCRIBES, ACCOMPANIED BY A FEE AS IS REQUIRED BY SECTION 12-43-204 (1) AND WHO FURNISHES EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE:

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

(b) IS NOT IN VIOLATION OF ANY OF THE PROVISIONS OF THIS ARTICLE OR THE RULE AND REGULATIONS ADOPTED UNDER THIS ARTICLE;

(c) HOLDS A MASTER'S OR DOCTORAL DEGREE FROM AN ACCREDITED SCHOOL OR COLLEGE IN MARRIAGE AND FAMILY THERAPY OR ITS EQUIVALENT AS DETERMINED BY THE BOARD, SUCH DEGREE TO INCLUDE A PRACTICUM OR INTERNSHIP IN THE PRINCIPLES AND PRACTICE OF MARRIAGE AND FAMILY THERAPY;

(d) SUBSEQUENT TO RECEIVING HIS OR HER MASTER'S OR DOCTORAL DEGREE, HAS HAD AT LEAST TWO YEARS OF POST-MASTER'S OR ONE YEAR POSTDOCTORAL PRACTICE IN INDIVIDUAL AND MARRIAGE AND FAMILY THERAPY, INCLUDING AT LEAST ONE THOUSAND HOURS OF FACE-TO-FACE CONTACT WITH COUPLES AND FAMILIES FOR THE PURPOSE OF ASSESSMENT AND INTERVENTION UNDER BOARD-APPROVED SUPERVISION; AND

(e) HAS DEMONSTRATED PROFESSIONAL COMPETENCE BY PASSING AN EXAMINATION IN MARRIAGE AND FAMILY THERAPY PRESCRIBED BY THE BOARD.

(2) UPON INVESTIGATION OF THE APPLICATION FOR LICENSURE AND OTHER EVIDENCE SUBMITTED, THE BOARD SHALL, NOT LESS THAN THIRTY DAYS PRIOR TO THE EXAMINATION, NOTIFY EACH APPLICANT THAT SUCH APPLICATION AND EVIDENCE ARE SATISFACTORY AND ACCEPTED OR UNSATISFACTORY AND REJECTED. IF THE APPLICATION IS REJECTED, SAID NOTICE SHALL STATE THE REASONS FOR SUCH REJECTION AND PROVIDE SUGGESTIONS FOR THE PREPARATION OF REAPPLYING.

(3) THE PLACE OF EXAMINATION SHALL BE DESIGNATED IN ADVANCE BY THE BOARD, AND SUCH EXAMINATION SHALL BE GIVEN NOT LESS THAN TWICE PER YEAR AT SUCH TIME AND PLACE AND UNDER SUCH SUPERVISION AS THE BOARD MAY DETERMINE, IF THERE ARE APPLICANTS DESIRING TO BE EXAMINED, AND SHALL BE GIVEN AT SUCH OTHER TIMES AS, IN THE OPINION OF THE BOARD, THE NUMBER OF APPLICATIONS WARRANTS.

(4) THE BOARD OR ITS DESIGNATED REPRESENTATIVES SHALL ADMINISTER AND SCORE THE EXAMINATION. THE BOARD SHALL TAKE ANY ACTIONS NECESSARY TO ENSURE IMPARTIALITY. THE PASSING SCORE IN EACH PART OF THE EXAMINATION SHALL BE DETERMINED BY THE BOARD BASED UPON A LEVEL OF MINIMUM COMPETENCY TO ENGAGE IN THE PRACTICE OF MARRIAGE AND FAMILY THERAPY.

12-43-505. Rights and privileges of licensure and registration. (1) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND UNREVOKED LICENSE AS A LICENSED MARRIAGE AND FAMILY THERAPIST PURSUANT TO SECTION 12-43-504 HAS THE RIGHT TO ENGAGE IN THE PRIVATE, INDEPENDENT PRACTICE OF MARRIAGE AND FAMILY THERAPY AND HAS THE RIGHT TO PRACTICE AND SUPERVISE MARRIAGE AND FAMILY THERAPY PRACTICE AND USE THE TITLE "LICENSED MARRIAGE AND FAMILY THERAPIST" AND THE ABBREVIATION "LMFT". NO OTHER PERSON SHALL ASSUME THESE TITLES OR USE THESE ABBREVIATIONS ON ANY WORK OR LETTER, SIGN, FIGURE, OR DEVICE TO INDICATE THAT THE PERSON USING THE SAME IS A LICENSED MARRIAGE AND FAMILY THERAPIST.

(2) NO PERSON MAY ENGAGE IN THE PRACTICE OF MARRIAGE AND FAMILY THERAPY UNLESS SUCH PERSON IS LICENSED PURSUANT TO THIS PART 5.

(3) ANY PERSON DULY LICENSED AS A LICENSED MARRIAGE AND FAMILY THERAPIST SHALL NOT BE REQUIRED TO OBTAIN ANY OTHER LICENSE OR CERTIFICATION TO PRACTICE MARRIAGE AND FAMILY THERAPY AS DEFINED IN SECTION 12-43-503 UNLESS OTHERWISE REQUIRED BY THE BOARD OF MARRIAGE AND FAMILY THERAPIST EXAMINERS.

(4) NOTHING IN THIS PART 5 SHALL BE CONSTRUED TO PREVENT MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THE LAWS OF THIS STATE FROM RENDERING SERVICES WITHIN THE SCOPE OF PRACTICE AS SET OUT IN THE STATUTES REGULATING THEIR PROFESSIONAL PRACTICES, PROVIDED THAT THEY DO NOT REPRESENT THEMSELVES TO BE MARRIAGE AND FAMILY THERAPISTS, OR THEIR SERVICES AS MARRIAGE AND FAMILY THERAPY.

(5) NOTHING IN THIS PART 5 SHALL BE CONSTRUED TO PREVENT THE PRACTICE OF PSYCHOTHERAPY BY UNLICENSED PERSONS WHO ARE LISTED WITH THE STATE GRIEVANCE BOARD PURSUANT TO SECTION 12-43-702.5.

PART 6 LICENSED PROFESSIONAL COUNSELORS

12-43-601. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE STATE BOARD OF LICENSED PROFESSIONAL COUNSELOR

EXAMINERS, CREATED IN SECTION 12-43-602.

(2) "CLINICAL MENTAL HEALTH COUNSELING" INCLUDES:

(a) ASSESSMENT, COUNSELING ACTIVITIES, CONSULTATION, AND REFERRAL; AND

(b) TREATMENT, DIAGNOSIS, TESTING, ASSESSMENT, PSYCHOTHERAPY, OR COUNSELING IN A PROFESSIONAL RELATIONSHIP TO ASSIST INDIVIDUALS OR GROUPS TO ALLEVIATE MENTAL AND EMOTIONAL DISORDERS, UNDERSTAND UNCONSCIOUS OR CONSCIOUS MOTIVATION, RESOLVE EMOTIONAL, RELATIONSHIP, OR ATTITUDINAL CONFLICTS, OR MODIFY BEHAVIORS THAT INTERFERE WITH EFFECTIVE EMOTIONAL, SOCIAL, OR INTELLECTUAL FUNCTIONING.

(3) "GRIEVANCE BOARD" MEANS THE STATE GRIEVANCE BOARD CREATED IN SECTION 12-43-702.

(4) "LICENSED PROFESSIONAL COUNSELOR" MEANS A PROFESSIONAL COUNSELOR WHO PRACTICES PROFESSIONAL COUNSELING OR MENTAL HEALTH COUNSELING AND WHO IS LICENSED PURSUANT TO THIS PART 6.

(5) (a) "PROFESSIONAL COUNSELING" MEANS:

(I) THOSE ACTIVITIES THAT ASSIST THE PERSON RECEIVING COUNSELING IN DEVELOPING AN UNDERSTANDING OF PERSONAL, EMOTIONAL, SOCIAL, EDUCATIONAL, ALCOHOL AND SUBSTANCE ABUSE, DOMESTIC VIOLENCE, AND VOCATIONAL DEVELOPMENT AND IN PLANNING AND EFFECTING ACTIONS TO INCREASE FUNCTIONING OR GAIN CONTROL OF HIS OR HER BEHAVIOR IN SUCH AREAS. SUCH ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, SKILL-BUILDING IN COMMUNICATIONS, DECISION-MAKING, AND PROBLEM-SOLVING, CLARIFYING VALUES, PROMOTING ADAPTATION TO LOSS AND OTHER LIFE CHANGES, DEVELOPING SOCIAL SKILLS, RESTRUCTURING COGNITIVE PATTERNS, DEFINING EDUCATIONAL AND CAREER GOALS, AND FACILITATING ADJUSTMENT TO PERSONAL CRISES AND CONFLICTS;

(II) THE SELECTING, ADMINISTERING, SCORING, AND INTERPRETING OF INSTRUMENTS DESIGNED TO MEASURE APTITUDES, ATTITUDES, ABILITIES, ACHIEVEMENTS, INTERESTS, EMOTIONS, AND OTHER PERSONAL CHARACTERISTICS AND INCLUDES THE APPLICATION OF NONSTANDARDIZED METHODS, SUCH AS INTERVIEWS, TO EVALUATE A PERSON RECEIVING COUNSELING AND TO EVALUATE SUCH PERSONAL AND SOCIAL FUNCTIONING;

(III) A VOLUNTARY RELATIONSHIP BETWEEN A COUNSELOR AND A CLIENT IN WHICH THE COUNSELOR ASSISTS A PERSON, COUPLE, GROUP, OR ORGANIZATION TO COPE WITH MATTERS THAT INCLUDE RELATIONSHIPS, CONFLICTS, PROBLEM-SOLVING, DECISION-MAKING, AND COMPETENCIES BY INTERPRETING, REPORTING ON, OR APPLYING COUNSELING THEORY;

(IV) RENDERING OF OR OFFERING TO RENDER COUNSELING SERVICES THAT FACILITATE EFFECTIVE PERSONAL, EMOTIONAL, SOCIAL, EDUCATIONAL, AND VOCATIONAL DEVELOPMENT IN INDIVIDUALS, COUPLES, GROUPS, AND ORGANIZATIONS, WITH AN EMPHASIS ON THE NATURAL ASPECTS OF HUMAN DEVELOPMENT AND WITH AN EDUCATIONAL ORIENTATION.

(b) PROFESSIONAL COUNSELING FOLLOWS A PLANNED PROCEDURE OF INTERVENTION THAT TAKES PLACE ON A REGULAR BASIS, OVER A PERIOD OF TIME, OR IN THE CASES OF TESTING, ASSESSMENT, AND BRIEF PROFESSIONAL COUNSELING, IT CAN BE A SINGLE INTERVENTION.

(6) "SCHOOL OR COLLEGE" MEANS ANY UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION OFFERING A FULL-TIME GRADUATE COURSE OF STUDY IN PROFESSIONAL COUNSELING APPROVED BY APPROPRIATE NATIONAL ORGANIZATIONS ACCREDITING PROFESSIONAL COUNSELOR EDUCATION PROGRAMS OR A SUBSTANTIALLY EQUIVALENT PROGRAM APPROVED BY THE BOARD.

12-43-602. State board of licensed professional counselor examiners.

(1) THERE IS HEREBY CREATED THE STATE BOARD OF LICENSED PROFESSIONAL COUNSELOR EXAMINERS UNDER THE SUPERVISION AND CONTROL OF THE DIVISION OF REGISTRATIONS OF THE DEPARTMENT OF REGULATORY AGENCIES, CREATED IN SECTION 24-1-122 (2) (g), C.R.S. THE BOARD SHALL CONSIST OF SEVEN MEMBERS WHO ARE CITIZENS OF THE UNITED STATES AND RESIDENTS OF THE STATE OF COLORADO.

(2) (a) THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR AS FOLLOWS:

(I) FOUR MEMBERS OF THE GENERAL PUBLIC WHO ARE NOT REGULATED UNDER THIS ARTICLE; AND

(II) THREE LICENSED PROFESSIONAL COUNSELORS.

(b) THE PUBLIC MEMBERS SHALL HAVE NEVER BEEN A LICENSED PROFESSIONAL COUNSELOR, AN APPLICANT OR FORMER APPLICANT FOR LICENSURE AS A LICENSED PROFESSIONAL COUNSELOR, A MEMBER OF ANOTHER MENTAL HEALTH PROFESSION, OR A MEMBER OF A HOUSEHOLD THAT INCLUDES A LICENSED PROFESSIONAL COUNSELOR OR A MEMBER OF ANOTHER MENTAL HEALTH PROFESSION OR OTHERWISE HAVE CONFLICTS OF INTEREST OR THE APPEARANCE OF SUCH CONFLICTS WITH HIS OR HER DUTIES AS A BOARD MEMBER.

(c) ON OR BEFORE JULY 1, 1998, THE GOVERNOR SHALL REMOVE TWO OF THE FIVE LICENSED PROFESSIONAL COUNSELORS SERVING ON THE BOARD AS IT EXISTED ON JUNE 30, 1998, IN COMPLIANCE WITH THIS SUBSECTION (2). ON OR BEFORE JULY 1, 1998, THE GOVERNOR SHALL APPOINT TWO ADDITIONAL PUBLIC MEMBERS TO THE BOARD. THE INITIAL TERMS OF ONE OF THE ADDITIONAL PUBLIC MEMBERS SHALL BE THREE YEARS, AND THE OTHER ADDITIONAL MEMBER SHALL BE APPOINTED FOR A TERM OF FOUR YEARS.

(3) NO BOARD MEMBER SHALL SERVE MORE THAN TWO FULL CONSECUTIVE TERMS.

(4) EACH MEMBER SHALL HOLD OFFICE UNTIL THE EXPIRATION OF HIS OR HER APPOINTED TERM OR UNTIL A SUCCESSOR IS DULY APPOINTED, EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, AND EACH MEMBER SHALL THEREAFTER SERVE TERMS OF FOUR YEARS. WHEN THE TERM OF EACH BOARD MEMBER EXPIRES, THE GOVERNOR SHALL APPOINT HIS OR HER SUCCESSOR FOR A TERM OF FOUR YEARS. ANY VACANCY OCCURRING IN THE BOARD MEMBERSHIP OTHER THAN BY THE EXPIRATION

OF A TERM SHALL BE FILLED BY THE GOVERNOR BY APPOINTMENT FOR THE UNEXPIRED TERM OF SUCH MEMBER.

(5) THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR MISCONDUCT, INCOMPETENCE, OR NEGLIGENCE OF DUTY AFTER GIVING THE BOARD MEMBER A WRITTEN STATEMENT OF THE CHARGES AND AN OPPORTUNITY TO BE HEARD THEREON. ACTIONS CONSTITUTING NEGLIGENCE OF DUTY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FAILURE OF BOARD MEMBERS TO ATTEND THREE CONSECUTIVE MEETINGS OR AT LEAST THREE QUARTERS OF THE TOTAL MEETINGS IN ANY CALENDAR YEAR.

(6) EACH BOARD MEMBER SHALL RECEIVE A CERTIFICATE OF APPOINTMENT FROM THE GOVERNOR, AND, BEFORE ENTERING ON THE DISCHARGE OF HIS OR HER DUTIES AND WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF APPOINTMENT, THE BOARD MEMBER SHALL SUBSCRIBE TO AN OATH FOR THE FAITHFUL PERFORMANCE OF HIS OR HER OFFICIAL DUTIES BEFORE ANY OFFICER AUTHORIZED TO ADMINISTER OATHS IN THIS STATE AND SHALL FILE THE SAME WITH THE SECRETARY OF STATE.

12-43-603. Licensure - examination - licensed professional counselors.

(1) THE BOARD SHALL ISSUE A LICENSE AS A LICENSED PROFESSIONAL COUNSELOR TO EACH APPLICANT WHO FILES AN APPLICATION UPON A FORM AND IN SUCH A MANNER AS THE BOARD PRESCRIBES, ACCOMPANIED BY A FEE AS IS REQUIRED BY SECTION 12-43-204, AND WHO FURNISHES EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE:

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

(b) IS NOT IN VIOLATION OF ANY OF THE PROVISIONS OF THIS ARTICLE AND THE RULES AND REGULATIONS ADOPTED UNDER THIS ARTICLE;

(c) HOLDS A MASTER'S OR DOCTORAL DEGREE IN PROFESSIONAL COUNSELING FROM AN ACCREDITED SCHOOL OR COLLEGE OR AN EQUIVALENT PROGRAM AS DETERMINED BY THE BOARD. SUCH DEGREE OR PROGRAM SHALL INCLUDE A PRACTICUM OR INTERNSHIP IN THE PRINCIPLES AND THE PRACTICE OF PROFESSIONAL COUNSELING.

(d) HAS AT LEAST TWO YEARS OF POST-MASTER'S PRACTICE OR ONE YEAR OF POSTDOCTORAL PRACTICE IN APPLIED PSYCHOTHERAPY UNDER SUPERVISION APPROVED BY THE BOARD; AND

(e) HAS DEMONSTRATED PROFESSIONAL COMPETENCE BY PASSING AN EXAMINATION IN PROFESSIONAL COUNSELING DEMONSTRATING SPECIAL KNOWLEDGE AND SKILL IN APPLIED PSYCHOTHERAPY AS PRESCRIBED BY THE BOARD.

(2) UPON INVESTIGATION OF THE APPLICATION AND OTHER EVIDENCE SUBMITTED, THE BOARD SHALL, NOT LESS THAN THIRTY DAYS PRIOR TO THE EXAMINATION, NOTIFY EACH APPLICANT THAT THE APPLICATION AND EVIDENCE SUBMITTED UNDER PARAGRAPHS (a) TO (d) OF SUBSECTION (1) OF THIS SECTION ARE SATISFACTORY AND ACCEPTED OR UNSATISFACTORY AND REJECTED. IF REJECTED, SAID NOTICE SHALL STATE THE REASONS FOR SUCH REJECTION.

(3) THE PLACE OF EXAMINATION SHALL BE DESIGNATED IN ADVANCE BY THE BOARD, AND SUCH EXAMINATION SHALL BE GIVEN NOT LESS THAN TWICE EACH YEAR

AT SUCH TIME AND PLACE AND UNDER SUCH SUPERVISION AS THE BOARD MAY DETERMINE, IF THERE ARE APPLICANTS DESIRING TO BE EXAMINED, AND SHALL BE GIVEN AT SUCH OTHER TIMES AS, IN THE OPINION OF THE BOARD, THE NUMBER OF APPLICANTS WARRANTS.

(4) THE BOARD OR ITS DESIGNATED REPRESENTATIVES SHALL ADMINISTER AND SCORE THE EXAMINATION. THE BOARD SHALL TAKE ANY ACTIONS NECESSARY TO ENSURE IMPARTIALITY. THE PASSING SCORE IN EACH PART OF THE EXAMINATION SHALL BE DETERMINED BY THE BOARD BASED UPON A LEVEL OF MINIMUM COMPETENCY TO ENGAGE IN THE PRACTICE OF LICENSED PROFESSIONAL COUNSELING.

12-43-604. Rights and privileges of licensure. (1) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND UNREVOKED CERTIFICATE AS A LICENSED PROFESSIONAL COUNSELOR HAS THE RIGHT TO USE THE TITLE FOR WHICH HE OR SHE IS LICENSED PURSUANT TO SECTION 12-43-603. A PROFESSIONAL COUNSELOR LICENSED PURSUANT TO SECTION 12-43-603 HAS THE RIGHT TO USE THE ABBREVIATION "LPC". NO OTHER PERSON SHALL ASSUME THIS TITLE OR USE THIS ABBREVIATION ON ANY WORK OR LETTER, SIGN, FIGURE, OR DEVICE TO INDICATE THAT THE PERSON USING THE SAME IS A LICENSED PROFESSIONAL COUNSELOR.

(2) ANY PERSON DULY LICENSED AS A LICENSED PROFESSIONAL COUNSELOR SHALL NOT BE REQUIRED TO OBTAIN ANY OTHER LICENSE OR CERTIFICATION TO PRACTICE PROFESSIONAL COUNSELING AS DEFINED IN SECTION 12-43-601 UNLESS OTHERWISE REQUIRED BY THE BOARD OF LICENSED PROFESSIONAL COUNSELOR EXAMINERS.

(3) NOTHING IN THIS ACT SHALL BE CONSTRUED TO PREVENT MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THE LAWS OF THIS STATE FROM RENDERING SERVICES WITHIN THE SCOPE OF PRACTICE AS SET OUT IN THE STATUTES REGULATING THEIR PROFESSIONAL PRACTICES, PROVIDED THAT THEY DO NOT REPRESENT THEMSELVES TO BE PROFESSIONAL COUNSELORS, OR THEIR SERVICES AS PROFESSIONAL COUNSELING.

(4) NOTHING IN THIS PART 6 SHALL BE CONSTRUED TO PREVENT THE PRACTICE OF PSYCHOTHERAPY BY UNLICENSED PERSONS WHO ARE LISTED WITH THE STATE GRIEVANCE BOARD PURSUANT TO SECTION 12-43-702.5.

SECTION 20. 12-43-701, Colorado Revised Statutes, is amended to read:

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

~~(1) "Certified school psychologist" means a person who practices psychotherapy and who is a school psychologist certified pursuant to the provisions of section 22-60-104 (1) (e), C.R.S.~~

~~(2)~~ (1) "Grievance board" means the state grievance board created by section 12-43-702.

~~(3) "Independent advertising or marketing agent" means a person, firm, association, or corporation which performs advertising or other marketing services on behalf of licensees, including referrals of patients to licensees resulting from patient-initiated responses to such advertising or marketing services.~~

~~(4) "Licensed clinical social worker" means a person who practices psychotherapy and who is a clinical social worker licensed pursuant to the provisions of this article.~~

~~(5) "Licensed marriage and family therapist" or "marriage and family therapist" means a person who practices psychotherapy and who is a marriage and family therapist licensed pursuant to the provisions of this article.~~

~~(6) "Licensed professional counselor" or "professional counselor" means a person who practices psychotherapy and who is a professional counselor licensed pursuant to the provisions of this article.~~

~~(7) "Licensed psychologist" or "psychologist" means a person who practices psychotherapy and who is a psychologist licensed pursuant to the provisions of this article.~~

~~(8) "Licensee" means a psychologist, clinical social worker, marriage and family therapist, or professional counselor licensed pursuant to the provisions of this article.~~

~~(8.5)~~ (2) "Professional relationship" means an interaction that is deliberately planned or directed, or both, by the psychotherapist toward obtaining specific psychotherapeutic objectives, such as those set forth in subsection ~~(9)~~ (3) of this section.

~~(9)~~ (3) "Psychotherapy" means the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors which interfere with effective emotional, social, or intellectual functioning. Psychotherapy follows a planned procedure of intervention which takes place on a regular basis, over a period of time. It is the intent of the general assembly that the definition of psychotherapy as used in this part 7 be interpreted in its narrowest sense to regulate only those persons who clearly fall within the definition set forth in this subsection ~~(9)~~ (3).

~~(10)~~ (4) "Unlicensed psychotherapist" means any person whose primary practice is psychotherapy or who holds himself OR HERSELF out to the public as being able to practice psychotherapy for compensation and ~~who is not a certified school psychologist or who is not licensed under this title to practice psychotherapy.~~ "UNLICENSED PSYCHOTHERAPIST" ALSO MEANS A PERSON WHO IS A CERTIFIED OR LICENSED SCHOOL PSYCHOLOGIST, CERTIFIED PURSUANT TO SECTION 22-60-104 (1) (e), C.R.S., OR LICENSED PURSUANT TO SECTION 22-60.5-210 (1) (b), C.R.S., AND WHO IS PRACTICING OUTSIDE OF A SCHOOL SETTING.

SECTION 21. 12-43-702, Colorado Revised Statutes, is amended to read:

12-43-702. State grievance board - creation - subject to termination.

(1) There is hereby created the state grievance board, which shall be under the supervision and control of the division of registrations as provided in section 24-34-102, C.R.S. The grievance board shall consist of ~~eight~~ SEVEN members ~~or eleven members, as determined pursuant to this section,~~ who are residents of the state of Colorado.

(2) Four members of the grievance board shall be appointed by the governor ~~with the consent of the senate~~, ON JULY 1, 1998, from the general public WHO ARE NOT REGULATED BY THIS ARTICLE with a good faith effort to achieve broad-based geographical representation, one to serve a term of one year, one to serve a term of two years, and two to serve a term of three years. No such member shall have any direct involvement or interest in the provision of psychotherapy; except that such member may be or may have been a consumer of such services.

(3) ~~Four~~ THREE members of the grievance board shall be ~~licensed members of their respective licensing boards~~ UNLICENSED PSYCHOTHERAPISTS and shall be appointed by the governor ~~with the consent of the senate as follows~~: ON JULY 1, 1998. THE INITIAL TERM OF ONE OF THE THREE UNLICENSED PSYCHOTHERAPIST MEMBERS SHALL BE TWO YEARS, ONE SHALL BE THREE YEARS, AND ONE SHALL BE FOUR YEARS.

~~(a) A licensed marriage and family therapist to serve a term of two years;~~

~~(b) A licensed professional counselor to serve a term of two years;~~

~~(c) A licensed clinical social worker to serve a term of two years;~~

~~(d) A licensed psychologist to serve a term of three years.~~

(4) ~~The grievance board shall attempt to schedule disciplinary matters to be heard by the grievance board in a manner so as to reduce the number of additional members needed for any meeting. For disciplinary proceedings of the grievance board, in addition to the eight members appointed to the grievance board under subsections (2) and (3) of this section, three additional members shall be appointed by the governor to the grievance board as follows:~~ THE TERMS OF THE MEMBERS SERVING ON THE STATE GRIEVANCE BOARD AS IT EXISTED PRIOR TO JULY 1, 1998, SHALL EXPIRE ON JUNE 30, 1998.

~~(a) If the disciplinary action relates to a licensed psychologist, the three additional members shall be licensed psychologists.~~

~~(b) If the disciplinary action relates to a licensed clinical social worker, the three additional members shall be licensed clinical social workers.~~

~~(c) If the disciplinary action relates to a licensed marriage and family therapist, the three additional members shall be licensed marriage and family therapists.~~

~~(d) If the disciplinary action relates to a licensed professional counselor, the three additional members shall be licensed professional counselors.~~

~~(e) If the disciplinary action relates to a certified school psychologist, the three additional members shall be certified school psychologists.~~

~~(f) If the disciplinary action relates to an unlicensed psychotherapist, the three additional members shall be unlicensed psychotherapists.~~

(5) (a) ~~Five of the persons eligible to serve on the grievance board under subsection (4) of this section shall be appointed by the governor to serve a term of~~

one year, one from each of the professions licensed pursuant to parts 3, 4, 5, and 6 of this article and one certified school psychologist.

~~(b) Five of the persons eligible to serve on the grievance board under subsection (4) of this section shall be appointed by the governor to serve a term of two years, one from each of the professions licensed pursuant to parts 3, 4, 5, and 6 of this article and one certified school psychologist.~~

~~(c) Five of the persons eligible to serve on the grievance board under subsection (4) of this section shall be appointed by the governor to serve a term of three years, one from each of the professions licensed pursuant to parts 3, 4, 5, and 6 of this article and one certified school psychologist.~~

~~(d) Of the three persons eligible to serve on the grievance board under subsection (4) of this section as unlicensed psychotherapists, one shall be appointed by the governor to serve a term of one year, one shall be appointed to serve a term of two years, and one shall be appointed to serve a term of three years.~~

~~(6)(a)~~ (5) Members of the grievance board appointed under subsection (2) or (3) of this section may serve two full consecutive terms.

~~(b) The appointees under paragraphs (a) and (b) of subsection (3) of this section and under paragraphs (c) and (d) of subsection (4) of this section shall have met all qualifications for licensure pursuant to section 12-43-503 (1) (a) to (1) (d) or 12-43-603 (1) (a) to (1) (d) and shall have been practicing in their professions for at least five years prior to appointment. The initial appointees shall be licensed pursuant to section 12-43-502 (3) or 12-43-602 (3). The governor shall remove a board member for failure to comply with the requirements of this section.~~

~~(7)~~ (6) Each member shall hold office until the expiration of his OR HER appointed term or until a successor is duly appointed. When the term of each grievance board member expires, the governor shall appoint his OR HER successor for a term of ~~three~~ FOUR years. Any vacancy occurring in the grievance board membership other than by the expiration of a term shall be filled by the governor by appointment for the unexpired term of such member. The governor may remove any grievance board member for misconduct, incompetence, or neglect of duty. Actions constituting neglect of duty shall include, but not be limited to, the failure of board members to attend three consecutive meetings or at least three-quarters of the board's meetings in any one calendar year.

~~(8) Members of the grievance board and consultants to the grievance board shall be immune from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board or as consultants to such board.~~

~~(9)~~ (7) A majority of the grievance board shall constitute a quorum for the transaction of all business. ~~However, for purposes of initial consideration of complaints, a quorum shall be a majority of all members appointed pursuant to subsections (2) and (3) of this section. For purposes of the initial consideration of complaints, if a member of the grievance board appointed pursuant to subsection (2) or (3) of this section is disqualified from participating in grievance board~~

~~deliberations on any matter due to having an immediate personal, private, or financial interest in any matter pending before the grievance board, a member appointed pursuant to subsection (4) of this section from the same discipline as the member disqualified from participation may participate and vote on the matter before the grievance board and shall constitute part of the quorum required by this subsection (9).~~

~~(10) The provisions of section 24-34-104, C.R.S., concerning the termination schedule for regulatory bodies of the state unless continued as provided in that section, are applicable to the grievance board.~~

SECTION 22. Part 7 of article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

12-43-702.5. [Formerly 12-43-220] Data base of unlicensed psychotherapists - violation - penalty - data collection. (1) The grievance board shall maintain a data base of all UNLICENSED persons practicing psychotherapy in this state. ~~whether as licensed practitioners pursuant to this article or as unlicensed psychotherapists.~~ The grievance board shall charge a fee in the same manner as authorized in section 24-34-105, C.R.S., for recording information in the data base as required by this section. Information in the data base maintained pursuant to this section shall be open to public inspection at all times.

(2) ~~No later than January 1, 1993, any psychotherapist licensed pursuant to the provisions of this article and~~ Any unlicensed psychotherapist shall record such therapist's name, current address, educational qualifications, disclosure statements, therapeutic orientation or methodology, or both, and years of experience in each specialty area with the grievance board for inclusion in the data base required by subsection (1) of this section. UNLICENSED psychotherapists shall be required to update such information at least annually and at such other times and under such conditions as the grievance board shall prescribe by rule and regulation. At the time of recording the information required by this section, the UNLICENSED psychotherapist shall indicate whether or not the UNLICENSED psychotherapist has been convicted of or entered a plea of guilty or a plea of nolo contendere to any felony or misdemeanor. UNLICENSED psychotherapists recording the information required by this section shall be given a copy of the statutes and a copy of the state grievance board rules.

(3) On and after ~~January 1, 1993~~ JULY 1, 1998, no UNLICENSED person may practice psychotherapy if such person is not included in the data base required by this section. Any person who violates the provisions of this subsection (3) commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S. Notwithstanding the requirements of this section, no unlicensed psychotherapist may use the term "registered", "REGULATED", "certified", "clinical", "state-registered", "state-approved", or any other term, abbreviation, or symbol that would falsely give the impression that the psychotherapist or the service ~~which~~ THAT is being provided is recommended or approved by the state, based solely on inclusion in the data base.

~~(4) Repealed.~~

(4) ON AND AFTER JULY 1, 2000, NO PERSON MAY BE LISTED BY THE GRIEVANCE

BOARD PURSUANT TO THIS SECTION UNLESS SUCH PERSON HAS SUCCESSFULLY COMPLETED A JURISPRUDENCE WORKSHOP AND CORRESPONDING EXAMINATION APPROVED BY THE BOARD OR THE EQUIVALENT OF SUCH WORKSHOP AND EXAMINATION AS DETERMINED BY THE BOARD.

SECTION 23. Repeal of provisions being relocated in this act. 12-43-703, 12-43-704, 12-43-704.5, 12-43-705, 12-43-706, 12-43-707, 12-43-708, and 12-43-712, Colorado Revised Statutes, are repealed.

SECTION 24. 12-43-710, Colorado Revised Statutes, is amended to read:

12-43-710. Grievance board - transfer of jurisdiction. All investigations completed or in progress pursuant to sections ~~12-43-111 and 12-63.5-114~~ 12-43-703 AND 12-43-705 as said sections existed on June 30, ~~1988~~ 1998, INCLUDING THOSE CASES THAT HAVE BEEN REFERRED TO HEARING OR ARE BEFORE AN ADMINISTRATIVE LAW JUDGE, shall be referred to the grievance board THAT LICENSES, REGISTERS, OR REGULATES THE PERSON BEING INVESTIGATED OR ADJUDICATED. IF THE LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST IS REGULATED BY MORE THAN ONE BOARD, THE INVESTIGATION OR CASE BEING ADJUDICATED SHALL BE REFERRED TO THE BOARD AS DETERMINED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, FOR FINAL ADJUDICATION. ~~Hearings which have been initiated by a board or formally referred to hearing or dismissed pursuant to such sections prior to July 1, 1988 1998, shall be completed and a decision rendered by that board.~~ All actions taken and decisions rendered by a THE GRIEVANCE board prior to July 1, ~~1988~~ 1998, are hereby ratified.

SECTION 25. 24-34-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-34-102. Division of registrations - creation - duties of division and department heads. (14) ON AND AFTER JULY 1, 1998, THE AUTHORITY VESTED IN THE DEPARTMENT OF HUMAN SERVICES AND THE BOARD OF HUMAN SERVICES TO CERTIFY AND DISCIPLINE CERTIFIED ALCOHOL AND DRUG ABUSE COUNSELORS IS TRANSFERRED TO THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES. THE DEPARTMENT OF HUMAN SERVICES AND BOARD OF HUMAN SERVICES SHALL CONTINUE TO EXERCISE ALL OTHER RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED IN THE THOSE ENTITIES CONCERNING CERTIFIED ALCOHOL AND DRUG ABUSE COUNSELORS PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 25, C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS MAY PROMULGATE RULES, WHICH SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

(a) A REQUIREMENT THAT ALCOHOL AND DRUG ABUSE COUNSELORS, IN ORDER TO PARTICIPATE IN PUBLIC PROGRAMS OR TO PROVIDE PURCHASED SERVICES AND CERTIFICATION REQUIREMENTS THEREFOR, SHALL MEET STANDARDS ESTABLISHED BY THE BOARD OF HUMANS SERVICES BY RULE. IN ADDITION TO ALCOHOL AND DRUG ABUSE COUNSELORS SPECIFICALLY AUTHORIZED TO BE CERTIFIED FOR APPROVED PROGRAMS PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 25, C.R.S., THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES MAY CERTIFY ALCOHOL AND DRUG ABUSE COUNSELORS, UPON INDIVIDUAL APPLICATION, IN ANY ALCOHOL OR DRUG ABUSE TREATMENT PROGRAM REQUIRED AS A CONDITION

OF PROBATION UNDER PART 2 OF ARTICLE 11 OF TITLE 16, C.R.S., ANY ALCOHOL OR DRUG ABUSE PROGRAM ADMINISTERED BY THE DIVISION OF ADULT SERVICES UNDER ARTICLE 2 OF TITLE 17, C.R.S., ANY COMMUNITY CORRECTIONS FACILITY OR PROGRAM ADMINISTERED UNDER ARTICLE 27 OF TITLE 17, C.R.S., AND ANY ALCOHOL OR DRUG ABUSE TREATMENT PROGRAM ADMINISTERED BY THE DIVISION OF YOUTH CORRECTIONS UNDER TITLE 19, C.R.S.

(b) FEES TO BE CHARGED FOR ALCOHOL AND DRUG ABUSE COUNSELOR CERTIFICATION AND RENEWAL. THE AMOUNT ASSESSED SHALL BE SUFFICIENT TO COVER A PORTION OF THE COSTS OF ADMINISTERING SUCH CERTIFICATION AND TESTING, AND THE MONEYS COLLECTED AFTER JUNE 30, 1998, SHALL BE DEPOSITED IN THE DIVISION OF REGISTRATIONS CASH FUND CREATED IN SECTION 24-34-105 (2) (b) (I). ADDITIONAL FUNDING MAY BE OBTAINED FROM GENERAL, CASH, OR FEDERAL FUNDS OTHERWISE APPROPRIATED TO THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES. A PORTION OF THE MONEYS IN THE ALCOHOL AND DRUG ABUSE COUNSELOR CERTIFICATION FUND, CREATED IN SECTION 25-1-211, C.R.S., PRIOR TO JULY 1, 1998, SHALL REMAIN WITH THE DEPARTMENT OF HUMAN SERVICES FOR TRANSITION WORK, AND NINETY-SIX THOUSAND EIGHT HUNDRED EIGHTY DOLLARS SHALL BE TRANSFERRED TO THE DIVISION OF REGISTRATIONS CASH FUND CREATED IN SECTION 24-34-105 (2) (b) (I).

(c) A REQUIREMENT THAT ALCOHOL AND DRUG ABUSE COUNSELORS SHALL COMPLY WITH SECTION 12-43-222, C.R.S., IN ORDER TO OBTAIN AND MAINTAIN CERTIFICATION.

(d) PROCEDURES FOR DISCIPLINARY ACTIONS AGAINST CERTIFIED ALCOHOL AND DRUG ABUSE COUNSELORS FOR PROHIBITED OR UNLAWFUL ACTS THAT ARE CONSISTENT WITH THE PROCEDURES ESTABLISHED IN SECTIONS 12-43-212, 12-43-223, 12-43-224, 12-43-225, 12-43-226, AND 12-43-227.

SECTION 26. 24-34-105 (2) (b) (I), Colorado Revised Statutes, is amended to read:

24-34-105. Fee adjustments - division of registrations cash fund created - legal defense account. (2) (b) (I) Based upon the appropriation made and subject to the approval of the executive director of the department of regulatory agencies, each board or commission shall adjust its fees so that the revenue generated from said fees approximates its direct and indirect costs; except that the costs of the Colorado state board of psychologist examiners, the state board of marriage and family therapist examiners, the state board of licensed professional counselor examiners, the state board of social work examiners, and the state grievance board shall be considered collectively in the RENEWAL fee-setting process. Subsequent revenue generated by the fees set by such boards plus revenues generated pursuant to ~~section 12-43-220~~ SECTION 12-43-702.5, C.R.S., shall be compared to those collective costs to determine recovery of direct and indirect costs. Such fees shall remain in effect for the fiscal year for which the budget request applies. All fees collected by each board and commission shall be transmitted to the state treasurer, who shall credit the same to the division of registrations cash fund, which fund is hereby created. All moneys credited to the division of registrations cash fund shall be used as provided in this section and shall not be deposited in or transferred to the general fund of this state or any other fund.

SECTION 27. 10-16-104 (5) (b) (II), (5) (b) (III), and (7) (a) (I) (B), Colorado Revised Statutes, are amended to read:

10-16-104. Mandatory coverage provisions. (5) Mental illness. Every group policy or contract providing hospitalization or medical benefits by an entity subject to the provisions of part 2 or 3 of this article shall provide benefits for conditions arising from mental illness at least equal to the following:

(b) (II) If any mental health services are a benefit made available under major medical coverage or as a benefit made available by an entity subject to the provisions of part 3 of this article and such services are performed by a registered professional nurse or licensed clinical social worker, LICENSED PROFESSIONAL COUNSELOR, OR LICENSED MARRIAGE AND FAMILY THERAPIST who is licensed to practice in this state, reimbursement for these services shall not be denied and shall be made directly to the registered professional nurse, ~~or~~ licensed clinical social worker, LICENSED PROFESSIONAL COUNSELOR, OR LICENSED MARRIAGE AND FAMILY THERAPIST when acting as an independent provider, whether or not such services are provided under the direct supervision of a physician or licensed psychologist. Nothing in this subparagraph (II) shall be interpreted to expand the scope of professional nursing, ~~or~~ licensed clinical social worker, LICENSED PROFESSIONAL COUNSELOR, OR LICENSED MARRIAGE AND FAMILY THERAPIST practice.

(III) For purposes of this subsection (5), "licensed clinical social worker" means a person who is licensed as a clinical social worker under part 4 of article 43 of title 12, C.R.S., and who has at least five years of experience in psychotherapy, as defined in section 12-43-701 ~~(9)~~ (3), C.R.S., under appropriate supervision, beyond a master's degree; "LICENSED PROFESSIONAL COUNSELOR" MEANS A PERSON WHO IS LICENSED AS A PROFESSIONAL COUNSELOR UNDER PART 6 OF ARTICLE 43 OF TITLE 12, C.R.S., AND WHO HAS AT LEAST FIVE YEARS OF EXPERIENCE IN PSYCHOTHERAPY, AS DEFINED IN SECTION 12-43-701 (3), C.R.S., UNDER APPROPRIATE SUPERVISION, BEYOND A MASTER'S DEGREE; AND "LICENSED MARRIAGE AND FAMILY THERAPIST" MEANS A PERSON WHO IS LICENSED AS A MARRIAGE AND FAMILY THERAPIST UNDER PART 5 OF ARTICLE 43 OF TITLE 12, C.R.S., AND WHO HAS AT LEAST FIVE YEARS OF EXPERIENCE IN PSYCHOTHERAPY, AS DEFINED IN SECTION 12-43-701 (3), C.R.S., UNDER APPROPRIATE SUPERVISION, BEYOND A MASTER'S DEGREE.

(7) **Reimbursement of providers. (a) Sickness and accident insurance.** (I) (B) The licensed persons who may not be denied reimbursement pursuant to SUB-SUBPARAGRAPH (A) OF THIS subparagraph (I) ~~of this paragraph (a)~~ shall include registered professional nurses and licensed clinical social workers. However, such inclusion shall not be interpreted as enlarging the scope of professional nursing or licensed clinical social worker practice. For purposes of this subsection ~~(3)~~ (7), "licensed clinical social worker" shall have the meaning set forth in subparagraph (III) of paragraph (b) of subsection (5) of this section.

SECTION 28. 13-4-102 (2) (s), Colorado Revised Statutes, is amended to read:

13-4-102. Jurisdiction. (2) The court of appeals shall have initial jurisdiction to:

(s) Review final actions and orders appropriate for judicial review of the ~~state grievance board~~ ~~BOARDS~~, as ~~provided~~ DEFINED in section ~~12-43-705~~, 12-43-201 (1),

C.R.S.;

SECTION 29. 13-90-107 (1) (g), Colorado Revised Statutes, is amended to read:

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

(g) A licensed psychologist, professional counselor, marriage and family therapist, or social worker, OR UNLICENSED PSYCHOTHERAPIST shall not be examined without the consent of such licensee's OR UNLICENSED PSYCHOTHERAPIST'S client as to any communication made by the client to such licensee OR UNLICENSED PSYCHOTHERAPIST, or such licensee's OR UNLICENSED PSYCHOTHERAPIST'S advice given thereon in the course of professional employment; nor shall any secretary, stenographer, or clerk employed by a licensed psychologist, professional counselor, marriage and family therapist, or social worker, OR UNLICENSED PSYCHOTHERAPIST be examined without the consent of the employer of such secretary, stenographer, or clerk concerning any fact, the knowledge of which such employee has acquired in such capacity; nor shall any person who has participated in any psychotherapy, conducted under the supervision of a person authorized by law to conduct such therapy, including but not limited to group therapy sessions, be examined concerning any knowledge gained during the course of such therapy without the consent of the person to whom the testimony sought relates.

SECTION 30. The introductory portion to 25-1-207 (1) and 25-1-207 (1) (d), Colorado Revised Statutes, are amended to read:

25-1-207. Rules. (1) The ~~department~~ STATE BOARD OF HUMAN SERVICES, CREATED IN SECTION 26-1-107, C.R.S., has the power to promulgate rules ~~and regulations~~ governing the provisions of this part 2. Such rules ~~and regulations~~ may include, but shall not be limited to:

(d) Standards that must be met by alcohol and drug abuse counselors to participate in public programs or to provide purchased services and certification requirements therefor. ~~In addition to alcohol and drug abuse counselors specifically authorized to be certified for approved programs pursuant to this part 2, the department may certify alcohol and drug abuse counselors, upon individual application, in any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 11 of title 16, C.R.S., any alcohol or drug abuse program administered by the division of adult services under article 2 of title 17, C.R.S., any community correctional facility or program administered under article 27 of title 17, C.R.S., and any alcohol or drug abuse treatment program administered by the division of youth corrections under title 19, C.R.S.~~ NECESSARY TO BE CERTIFIED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, PURSUANT TO SECTION 24-34-102 (14), C.R.S.

SECTION 31. 25-1-211, Colorado Revised Statutes, is amended to read:

25-1-211. Counselor training - fund created. (1) The executive director of the department of human services shall establish by rule and regulation fees to be charged for alcohol and drug abuse counselor ~~certification and renewal and fees for related~~

~~testing and training of counselors~~ TRAINING. The amount assessed shall be sufficient to cover a portion of the costs of administering such ~~certification, testing, and training~~, and the moneys collected therefor shall be deposited in the alcohol and drug abuse counselor ~~certification~~ TRAINING fund. Additional funding may be obtained from general, cash, or federal funds otherwise appropriated to the division.

(2) There is hereby created in the office of the state treasurer the alcohol and drug abuse counselor ~~certification~~ TRAINING fund. THE ALCOHOL AND DRUG ABUSE COUNSELOR TRAINING FUND IS THE SUCCESSOR FUND TO THE ALCOHOL AND DRUG ABUSE COUNSELOR CERTIFICATION FUND. Moneys collected pursuant to subsection (1) of this section shall be deposited in the fund. The moneys in the fund shall be subject to annual appropriation by the general assembly to the department of human services for allocation to the division of alcohol and drug abuse for the administration of alcohol and drug abuse counselor ~~certification~~ TRAINING requirements established by rules ~~and regulations~~ of the ~~department~~ STATE BOARD of human services pursuant to section 25-1-207 (1) (d). Moneys in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

SECTION 32. 27-10-105 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

27-10-105. Emergency procedure. (1) Emergency procedure may be invoked under either one of the following two conditions:

(a) When any person appears to be mentally ill and, as a result of such mental illness, appears to be an imminent danger to others or to himself OR HERSELF or appears to be gravely disabled, THEN a peace officer; a professional person; a registered professional nurse as defined in section 12-38-103 (11), C.R.S., who by reason of postgraduate education and additional nursing preparation has gained knowledge, judgment, and skill in psychiatric or mental health nursing; A LICENSED MARRIAGE AND FAMILY THERAPIST OR LICENSED PROFESSIONAL COUNSELOR, LICENSED UNDER THE PROVISIONS OF PART 5 OR 6 OF ARTICLE 43 OF TITLE 12, C.R.S., WHO BY REASON OF POSTGRADUATE EDUCATION AND ADDITIONAL PREPARATION HAS GAINED KNOWLEDGE, JUDGMENT, AND SKILL IN PSYCHIATRIC OR CLINICAL MENTAL HEALTH THERAPY, FORENSIC PSYCHOTHERAPY, OR THE EVALUATION OF MENTAL DISORDERS; or a licensed clinical social worker licensed under the provisions of part 4 of article 43 of title 12, C.R.S., EACH OF WHOM IS REFERRED TO IN THIS SECTION AS THE "INTERVENING PROFESSIONAL", upon probable cause and with such assistance as may be required, may take the person into custody, or cause ~~him~~ THE PERSON to be taken into custody, and ~~place him~~ PLACED in a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation.

(2) Such facility shall require an application in writing, stating the circumstances under which the person's condition was called to the attention of the ~~officer, professional person, registered professional nurse, or licensed clinical social worker~~ INTERVENING PROFESSIONAL and further stating sufficient facts, obtained from ~~his~~ THE personal observations OF THE INTERVENING PROFESSIONAL or obtained from others ~~which he~~ WHOM HE OR SHE reasonably believes to be reliable, to establish that the person is mentally ill and, as a result of mental illness, an imminent danger to others or to ~~himself~~ SUCH PERSON or gravely disabled. The application shall indicate when the person was taken into custody and who brought the person's condition to the

attention of the officer, professional person, registered professional nurse, or licensed clinical social worker INTERVENING PROFESSIONAL. The application shall be kept on file by the seventy-two-hour treatment and evaluation facility for at least five years, and a copy shall be furnished to the person being evaluated.

SECTION 33. Appropriations - adjustments in the 1998 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund not otherwise appropriated, to the department of regulatory agencies, division of registrations for operating expenses, for the fiscal year beginning July 1, 1998, the sum of thirty-four thousand two hundred sixty-two dollars (\$34,262), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services for the fiscal year beginning July 1, 1998, shall be adjusted as follows:

(a) The appropriation from the alcohol and drug abuse counselor training fund to the office of health and rehabilitation services, alcohol and drug abuse division, administration, program administration for personal services, is decreased by eighty-six thousand three hundred ninety-five dollars (\$86,395) and 2.0 FTE.

(b) The appropriation from the alcohol and drug abuse counselor training fund to the office of health and rehabilitation services, alcohol and drug abuse division, administration, program administration for operating expenses, is decreased by ten thousand eight hundred seventy-three dollars (\$10,873).

(c) The appropriation from the alcohol and drug abuse counselor training fund to the office of health and rehabilitation services, alcohol and drug abuse division, administration, program administration for indirect cost assessment, is decreased by six thousand seven hundred eleven dollars (\$6,711).

(3) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1998, shall be adjusted as follows:

(a) The appropriation from the division of registrations cash fund to the department of regulatory agencies, division of registrations for personal services, is increased by six-thousand three hundred twenty-nine dollars (\$63,229) and 2.0 FTE.

(b) The appropriation from the division of registrations cash fund to the department of regulatory agencies, division of registrations for operating expenses, is increased by twenty-seven thousand five hundred thirty-seven dollars (\$27,537).

(c) The appropriation from the division of registrations cash fund to the department of regulatory agencies, executive director's office, director's office for legal services, is increased by six thousand nine hundred twelve dollars (\$6,912).

(d) The appropriation from the division of registrations cash fund to the department of law for the fiscal year beginning July 1, 1998, is increased by six thousand nine hundred twelve dollars (\$6,912), for the provision of legal services to the division of

registrations related to the implementation of this act. Such sum shall be from cash funds exempt received from the division of registrations out of the appropriation made in paragraph (c) of this subsection (3).

(e) The appropriation from the division of registrations cash fund to the department of regulatory agencies, executive director's office, director's office for administrative law judge services, is increased by one thousand five hundred twenty-one dollars (\$1,521).

(f) The appropriation from the division of registrations cash fund to the department of personnel for the fiscal year beginning July 1, 1998, is increased by one thousand five hundred twenty-one dollars (\$1,521), for the provision of administrative law judge services to the division of registrations related to the implementation of this act. Such sum shall be from cash funds exempt received from the division of registrations out of the appropriation made in paragraph (e) of this subsection (3).

SECTION 34. Effective date. This act shall take effect July 1, 1998.

SECTION 35. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 1998