ARTICLE 43 245
Mental Health

PART 1
LEGISLATIVE DECLARATION

12-43-101. Legislative declaration.

PART 2
GENERAL PROVISIONS

12-245-201. Applicability of common provisions.
12-245-203. Practice outside of or beyond professional training, experience, or competence - general scope of practice for licensure, registration, or certification.
12-245-204.5 Limitation on authority. {Moved to 12-245-204}>
12-245-205. Fees - renewal.
12-245-207. Licensure by endorsement - rules.
12-245-208. Provisional license - fees.
12-245-209. License - issuance.
12-245-210. Drugs - medicine.
12-245-211. Collaborate with physician.
12-245-212. Division of professions and occupations to supervise. {Moved to 12-245-204}>
12-245-213. Professional review committees - immunity. {Moved from 12-43-203 (7)(a) & (11)(a)}>
12-245-214. Professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, and addiction counseling - definitions.
12-245-215. Denial of license, registration, or certification - reinstatement.
12-245-216. Legislative intent - schools and colleges - examinations.
12-245-217. Mandatory disclosure of information to clients.
12-245-218. Scope of article - exemptions.
12-245-219. Title use restrictions.
12-245-222. Article not to restrict other professions.
12-43-220  Data base of licensed and unlicensed psychotherapists - violation - penalty - data collection - report to sunrise and sunset review committee - repeal. (Repealed)
12-43-221.5 12-245-223. Confidential agreement to limit practice.
12-43-226.5 12-245-229. Licensee duties relating to assistance animals - definitions.
12-43-227.5 12-245-231. Mental health professional peer health assistance program - fees - administration - rules.
12-43-228.5 12-245-233. Auricular acudetox by mental health professionals - training - definition.
12-43-229 12-245-234. Repeal of article.

PART 3
PSYCHOLOGISTS

12-43-301 12-245-301. Definitions.
12-43-303 12-245-303. Practice of psychology defined.
12-43-305 12-245-305. Rights and privileges of licensure.

PART 4
SOCIAL WORKERS

12-43-402 12-245-402. State board of social work examiners.
12-43-403 12-245-403. Social work practice defined.
12-43-405 12-245-405. Rights and privileges of licensure and a social work degree.
12-43-408. School social workers. (Repealed)
12-43-409 12-245-408. Clinical social work practice of psychotherapy.
12-43-410 12-245-409. Employees of social services.

PART 5
MARRIAGE AND FAMILY THERAPISTS

12-43-505 12-245-505. Rights and privileges of licensure and registration.

PART 6
LICENSED PROFESSIONAL COUNSELORS

12-43-602.5 12-245-603. Practice of licensed professional counseling defined.

PART 7
STATE BOARD OF REGISTERED PSYCHOTHERAPISTS

12-43-703. Powers and duties of the grievance board. (Repealed)
12-43-704. Prohibited activities - related provisions. (Repealed)
12-43-704.5: **Authority of grievance board — cease-and-desist orders.** (Repealed)

12-43-705: **Disciplinary proceedings — judicial review — mental and physical examinations.** (Repealed)

12-43-706: **Reconsideration and review of action of grievance board.** (Repealed)

12-43-707: **Unlawful acts.** (Repealed)

12-43-708: **Injunctive proceedings.** (Repealed)

12-43-709 **12-245-704.** Expenses of the board.

12-43-710 **12-245-705.** Jurisdiction.

12-43-711: **Records.** (Repealed)

12-43-712: **Repeal of article.** (Repealed)

**PART 8 ADDICTION COUNSELORS**

12-43-801 **12-245-801.** Definitions.

12-43-802 **12-245-802.** State board of addiction counselor examiners.

12-43-803 **12-245-803.** Practice of addiction counseling defined — scope of practice.

12-43-804 **12-245-804.** Requirements for licensure and certification — rules.

12-43-804.5 **12-245-805.** Rights and privileges of certification and licensure.

12-43-805 **12-245-806.** Continuing professional competency — rules — definition.

**PART 1 LEGISLATIVE DECLARATION**

12-245-101. [Formerly 12-43-101] Legislative declaration. The general assembly hereby finds and 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 psychology, social work, marriage and family therapy, professional counseling, psychotherapy, and addiction counseling, it is necessary that the proper regulatory authorities be established and adequately provided for. 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, a state board of licensed professional counselor examiners, a state board of registered psychotherapists, and a state board of addiction counselor examiners with the authority to license, register, or certify, and take disciplinary actions or bring injunctive actions, or both, concerning licensed psychologists and psychologist candidates, licensed...
social workers, licensed marriage and family therapists and marriage and family therapist candidates, licensed professional counselors and licensed professional counselor candidates, registered psychotherapists, and licensed and certified addiction counselors, respectively, and mental health professionals who have been issued a provisional license pursuant to this article 245.

PART 2
GENERAL PROVISIONS

12-245-201. Applicability of common provisions. Articles 1, 20, and 30 of this title 12 apply, according to their terms, to this article 245.

12-245-202. [Formerly 12-43-201] Definitions. As used in this article 245, unless the context otherwise requires:

(1) "Board" includes the state board of psychologist examiners, the state board of social work examiners, the state board of licensed professional counselor examiners, the state board of marriage and family therapist examiners, the state board of registered psychotherapists, and the state board of addiction counselor examiners.

(1.3) (2) "Certificate holder" means an addiction counselor certified pursuant to this article 245.

(1.5) (3) "Certified addiction counselor" means a person who is an addiction counselor certified pursuant to this article 245.

(1.6) (4) "Dementia diseases and related disabilities" has the same meaning set forth in section 25-1-502 (2.5).

(1.7) "Director" means the director of the division of professions and occupations in the department of regulatory agencies. <{ Redundant with definitions common provision, 12-20-102 (6). }>

(1.8) "Division" means the division of professions and occupations in the department of regulatory agencies.<{ Redundant with definitions common provision, 12-20-102 (7). }>

(2) (Deleted by amendment, L. 2000, p. 1841, § 17, effective August 2, 2000.)

(3) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1278, § 7, effective July 1, 2011.)

(3.5) (5) "Licensed addiction counselor" means a person who is an addiction counselor licensed pursuant to this article 245.

(4) (Deleted by amendment, L. 98, p. 1107, § 4, effective July 1, 1998.)

(5) (6) " Licensed professional counselor" means a person who is a professional counselor licensed pursuant to this article 245.

(5.5) (7) "Licensed social worker" means a person who:

(a) Is a licensed social worker or licensed clinical social worker; and
(b) Is licensed pursuant to this article 245.

(6) (8) "Licensee" means a psychologist, social worker, clinical social worker, marriage and family therapist, licensed professional counselor, or addiction counselor licensed pursuant to this article 245.

(7) (9) "Marriage and family therapist" means a person who is a marriage and family therapist licensed pursuant to this article 245.

(7.5) (10) "Professional relationship" means an interaction that is deliberately planned or directed, or both, by the licensee, registrant, or certificate holder toward obtaining specific objectives.

(7.7) (a) (11) "Provisional license" means a license or certification issued pursuant to section 12-43-206.5 12-245-208.

(b) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1278, § 7, effective July 1, 2011.)

(7.8) (a) (12) "Provisional licensee" means a person who holds a provisional license pursuant to section 12-43-206.5 12-245-208.

(b) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1278, § 7, effective July 1, 2011.)

(8) (13) "Psychologist" means a person who is a psychologist licensed pursuant to this article 245.

(9) (14) (a) "Psychotherapy" means the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate behavioral and mental health disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors that interfere with effective emotional, social, or intellectual functioning. Psychotherapy 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 psychotherapy, psychotherapy can be a single intervention.

(b) It is the intent of the general assembly that the definition of psychotherapy as used in this article 245 be interpreted in its narrowest sense to regulate only those persons who clearly fall within the definition set forth in this subsection (9) (14).

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

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

(II) Who is registered with the state board of registered psychotherapists pursuant to section 12-43-702.5 12-245-703 to practice psychotherapy in this state.

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

(I) Is a licensed school psychologist licensed pursuant to section 22-60.5-210 (1)(b); C.R.S.;

(II) Is practicing outside of a school setting; and
**12-43-203. [Formerly 12-43-202] Practice outside of or beyond professional training, experience, or competence - general scope of practice for licensure, registration, or certification.** (1) Notwithstanding any other provision of this article 245, no licensee, registrant, or certificate holder is authorized to practice outside of or beyond his or her THE PERSON'S area of training, experience, or competence.

(2) The practice of psychotherapy is one area of practice for mental health professionals licensed, certified, or registered pursuant to this article 245 but may not be the only or primary practice area of such THE professionals, other than persons registered as psychotherapists pursuant to part 7 of this article 245. The requirements for licensure, registration, or certification as a mental health professional pursuant to this article 245 are contained in sections 12-43-303, 12-43-403, 12-43-503, 12-43-602.5 12-245-303, 12-245-403, 12-245-503, 12-245-603, and 12-43-803 12-245-803, which define the practice of psychology, social work, marriage and family therapy, licensed professional counseling, and addiction counseling, respectively.

**12-245-204. Boards - division to supervise - meetings - duties - powers - removal of members - limitation on authority.** (1) [Formerly 12-43-210] Each board shall be under the supervision and control of the division of professions and occupations of the department of regulatory agencies as created by section 24-34-102, C.R.S.

(2) [Formerly 12-43-203 (1)] In addition to all other powers and duties conferred or imposed upon each board by this article 245 or by any other law, each board shall have the powers specified in this section.

(3) [Formerly 12-43-203 (2)] (a) (I) 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 or a majority of its members. Each board may conduct meetings by electronic means. Each board shall give reasonable notice of its meetings in the manner prescribed by law. A majority of each board constitutes a quorum at any meeting or hearing.

(II) All meetings are open to the public, except when:

(A) A board, or an administrative law judge acting on behalf of a board, specifically
determines that the harm to a complainant or other recipient of services to keep such proceedings or related documents open to the public outweighs the public interest in observing the proceedings; or

(B) The licensee, registrant, or certificate holder is participating in good faith in a program approved by the board designed to end a substance use disorder and the licensee, registrant, or certificate holder has not violated the board's order regarding the person's participation in the treatment program.

(III) If the board determines that it is in the best interest of a complainant or other recipient of services to keep proceedings or related documents closed to the public, the final action of the board must be open to the public without disclosing the name of the client or other recipient. In all open meetings, the board shall take reasonable steps to keep the names of the recipients of services confidential.

(b) The proceedings of each board shall be conducted pursuant to article 4 of title 24. C.R.S.

(4) [Formerly 12-43-203 (3)] Each board is authorized to:

(a) Adopt, and from time to time revise, such rules and regulations as may be necessary to carry out its powers and duties PURSUANT TO SECTION 12-20-204; <{Redundant with general rule-making common provision, 12-20-204.}>}

(b) Adopt an examination;

(c) Examine for, deny, withhold, or approve the license of an applicant, and renew licenses pursuant to section 12-43-212 12-245-214;

(d) Appoint advisory committees to assist in the performance of its duties;

(e) Conduct hearings IN ACCORDANCE WITH SECTION 12-20-403 as necessary to carry out its powers and duties. <{Adding reference to disciplinary procedures common provision, 12-20-403.}>}

(5) [Formerly 12-43-203 (3.5)] In carrying out its duties related to the approval of applications for licensure, registration, or certification pursuant to this section, section 12-43-212 12-245-214, and this article 245, each board shall delegate the function of the preliminary review and approval of applications to the staff of the board, with approval of an application ratified by action of the board. Each board, in its sole discretion, may individually review any application requiring board consideration prior to the approval of the application pursuant to section 12-43-212 12-245-214 and this article 245.

(6) [Formerly 12-43-203 (4)] Each board shall maintain current lists of the names of all licensees, registrants, and certificate holders 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.

(7) [Formerly 12-43-203 (6)] Publications of each board intended for circulation in quantity outside the board shall be issued in accordance with the provisions of section 24-1-136. C.R.S.
(8) [Formerly 12-43-203 (9)] Any board member having an immediate personal, private, or financial interest in any matter pending before the board shall disclose the fact and shall not vote upon such the matter.

(9) [Formerly 12-43-203 (10)] The governor may remove any 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.

(10) [Formerly 12-43-203 (12)] The boards shall develop rules or policies to provide guidance to persons licensed, registered, or certified pursuant to this article 245 to assist in determining whether a relationship with a client or potential client is likely to impair his or her professional judgment or increase the risk of client exploitation in violation of section 12-43-222 (1)(i) 12-245-224 (1)(i).

(11) [Formerly 12-43-203.5] The authority granted each board under the provisions of this article 245 does not authorize a board to arbitrate or adjudicate fee disputes between licensees, registrants, or certificate holders, or between a licensee, registrant, or certificate holder and any other party.

12-43-203.5. Limitation on authority. The authority granted each board under the provisions of this article does not authorize a board to arbitrate or adjudicate fee disputes between licensees, registrants, or certificate holders, or between a licensee, registrant, or certificate holder and any other party. <{Moved to 12-245-204 (11)}>.

12-245-205. [Formerly 12-43-204] Fees - renewal. (1) All fees collected pursuant to this article 245 shall be determined, collected, and appropriated in the same manner as set forth in section 24-34-105, C.R.S. 12-20-105. <{Adding reference to relocated fees common provision, 12-20-105}>.

(2) Each board may charge fees established pursuant to section 24-34-105, C.R.S., 12-20-105 to all applicants for licensure, registration, or certification under this article 245. <{Adding reference to relocated fees common provision, 12-20-105}>.

(3) Every person licensed, registered, or certified to practice psychology, social work, marriage and family therapy, professional counseling, psychotherapy, or addiction counseling within the state shall renew his or her each license, registration, or certification pursuant to a schedule established by the director, and licenses, registrations, and certifications shall be renewed pursuant to section 24-34-102 (8), C.R.S. The director may establish renewal fees and delinquency fees pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license, registration, or certification pursuant to the schedule established by the director, the license, registration, or certification expires issued under this article 245 is subject to the renewal, expiration, reinstatement, and delinquency fee provisions of.
SECTION 12-20-202 (1) AND (2). Any person whose license, registration, or certification expires is subject to the penalties provided in this article 245 or section 24-34-102 (8), C.R.S. 12-20-202 (1). Redundant with renewals/reinstatements common provision, 12-20-202.>

(3.5) (4) The director shall coordinate fee-setting pursuant to this section so that all licensees, registrants, and certificate holders pay fees as required by this section and section 12-43-702.5 (1) 12-245-703 (1).

(4) (Deleted by amendment, L. 2004, p. 1850, § 102, effective August 4, 2004.)

12-245-206. [Formerly 12-43-205] Records. (1) Each board shall keep a record of proceedings and a register of all applications for licenses, registrations, or certifications, which must include:

(a) The name and age of each applicant;
(b) The date of the application;
(c) The mailing address of the applicant;
(d) A summary of the educational and other qualifications of each applicant;
(e) Whether or not an examination was required and, if required, proof that the applicant passed the examination;
(f) Whether licensure, registration, or certification was granted;
(g) The date of the action of the board;
(h) Other information the board deems necessary or advisable in aid of the requirements of this section.

12-245-207. [Formerly 12-43-206.5] Licensure by endorsement - rules. A board may issue a license by endorsement to engage in the practice of psychology, social work, marriage and family therapy, professional counseling, or addiction counseling to an applicant who has a license, registration, or certification in good standing as a psychologist, social worker, marriage and family therapist, licensed professional counselor, or addiction 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 that are substantially equivalent to the requirements of section 12-43-304, 12-43-404, 12-43-504, 12-43-603, 12-245-304, 12-245-404, 12-245-504, 12-245-604, or 12-43-804 12-245-804, whichever is applicable. Each board shall promulgate rules setting forth the manner in which the board will review credentials and qualifications of an applicant.

12-245-208. [Formerly 12-43-206.5] Provisional license - fees. (1) (a) The board may issue a provisional license to an applicant who has completed a post-graduate degree that meets the educational requirements for licensure in section 12-43-304, 12-43-403,
12-43-504, 12-43-603 12-245-304, 12-245-404, 12-245-504, 12-245-604, or 12-43-804 12-245-804, as applicable, and who is working in a residential child care facility as defined in section 26-6-102 (33) C.R.S.; under the supervision of a licensee.

(b) A provisional license issued pursuant to paragraph (a) of this subsection (1) SUBSECTION (1)(a) OF THIS SECTION terminates at the earliest of:

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

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

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

(2) Each board may charge an application fee to an applicant for a provisional license. All fees collected pursuant to this subsection (2) shall be transmitted to the state treasurer, who shall credit the same to the division of professions and occupations cash fund pursuant to section 24-34-105, C.R.S. An application for a provisional license must identify the name, contact information, and license number of the licensee providing supervision of the provisional licensure applicant. <{Redundant with fees common provision, 12-20-105.}> (3) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1278, § 6, effective July 1, 2011.)

12-245-209. [Formerly 12-43-207.] License - issuance. Each board shall issue a license, registration, or certification, as appropriate, when an applicant successfully qualifies for licensure, registration, or certification as provided in this article 245.

12-245-210. [Formerly 12-43-208] Drugs - medicine. Nothing in this article 245 permits psychologists, social workers, marriage and family therapists, licensed professional counselors, psychotherapists, and addiction counselors licensed, registered, or certified under this article 245 to administer or prescribe drugs or in any manner engage in the practice of medicine as defined by the laws of this state.

12-245-211. [Formerly 12-43-209] Collaborate with physician. In order to provide for the diagnosis and treatment of medical problems, a licensee, registrant, or certificate holder shall collaborate with a physician licensed under the laws of this state, except when practicing pursuant to section 12-43-201 (9) 12-245-202 (14). A licensee, registrant, or certificate holder shall not diagnose, prescribe for, treat, or advise a client with reference to medical problems.
12-43-210. Division of professions and occupations to supervise. Each board shall be under the supervision and control of the division of professions and occupations of the department of regulatory agencies as created by section 24-34-102, C.R.S. <\{Moved to 12-245-204 (1)\}>

12-245-212. Professional review committees - immunity. (1) (a) [Formerly 12-43-203 (11)(a)(I)] Subject to the requirements of subparagraph (II) of this paragraph (a) SUBSECTION (1)(b) OF THIS SECTION, a professional review committee may be established pursuant to this subsection (I) to investigate the quality of care being given by a person licensed, registered, or certified pursuant to this article 245. If a professional review committee is established, it must include in its membership at least three persons licensed, registered, or certified under this article 245, and such persons must be licensees, registrants, or certificate holders in the same profession as the licensee, registrant, or certificate holder who is the subject of a professional review proceeding.

(b) [Formerly 12-43-203 (11)(a)(II)] A professional review committee may be authorized to act only by a society or an association of persons licensed, registered, or certified pursuant to this article 245 whose membership includes not less than one-third of the persons licensed, registered, or certified pursuant to this article 245 residing in this state if the licensee, registrant, or certificate holder whose services are the subject of review is a member of the society or association.

(2) [Formerly 12-43-203 (7)(a)] IN ADDITION TO THE PERSONS SPECIFIED IN SECTION 12-20-402, a member of a board or of a professional review committee authorized by a board, a member of staff to a board or committee, AND A PERSON ACTING AS A WITNESS OR CONSULTANT TO A BOARD OR COMMITTEE A WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND A PERSON WHO LODGES A COMPLAINT PERSUANT TO THIS ARTICLE IS IMMUNE FROM LIABILITY IN A CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS A BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF THE INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. A PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN AN INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PERSUANT TO THIS ARTICLE IS IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION IS GRANTED THE SAME IMMUNITY, AND IS SUBJECT TO THE SAME CONDITIONS FOR IMMUNITY, AS SPECIFIED IN SECTION 12-20-402.

<\{Somewhat redundant with immunity common provision, section 12-20-402.\}>
counseling, and addiction counseling - definitions. (1) Licensees, registrants, or certificate holders may form professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, psychotherapy, or addiction counseling under the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S., if the corporations are organized and operated in accordance with this section. The articles of incorporation of a professional service corporation formed pursuant to this section must contain provisions complying with the following requirements:

(a) The name of the corporation shall contain the words "professional company" or "professional corporation" or abbreviations thereof.

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

(I) The practice of psychology, as defined in section 12-43-303, by the professional service corporation is performed by or under the supervision of a licensed psychologist, and any psychologist member of the professional service corporation remains individually responsible for his or her professional acts and conduct as provided elsewhere in this article 245;

(II) (Deleted by amendment, L. 98, p. 111, effective July 1, 1998.)

(III) The practice of social work, as defined in section 12-43-403, by the professional service corporation is performed by a licensed social worker acting independently or under the supervision of a person licensed pursuant to this article 245 or a licensed social worker. Any licensed 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 245.

(IV) (III) The practice of marriage and family therapy, as defined in section 12-43-503, by the professional service corporation is performed by a licensed marriage and family therapist acting independently or under the supervision of a person licensed pursuant to this article 245 or a licensed marriage and family therapist. Any licensed marriage and family therapist member of the professional service corporation remains individually responsible for his or her professional acts and conduct as provided elsewhere in this article 245.

(V) (IV) The practice of licensed professional counseling, as defined in section 12-43-602.5, by the professional service corporation is performed by a licensed professional counselor acting independently or under the supervision of a person licensed pursuant to this article 245 or a licensed professional counselor. Any licensed professional counselor member of the professional service corporation remains individually responsible
for his or her professional acts and conduct as provided elsewhere in this article 245.

(VI) The practice of addiction counseling, as defined in section 12-43-803, by the professional service corporation is performed by a licensed addiction counselor acting independently or under the supervision of a person licensed pursuant to this article 245 or a licensed addiction counselor. Any licensed addiction counselor member of the professional service corporation remains individually responsible for his or her professional acts and conduct as provided in this article 245; or

(VII) The practice of psychotherapy, as defined in section 12-43-201, by the professional service corporation is performed by a registered psychotherapist acting independently or under the supervision of a person licensed pursuant to this article 245 or a registered psychotherapist. Any registered psychotherapist member of the professional service corporation remains individually responsible for his or her professional acts and conduct as provided in this article 245.

(c) The corporation may exercise the powers and privileges conferred upon corporations by the laws of Colorado only in furtherance of and subject to its corporate purpose.

(d) Lay directors and officers shall not exercise any authority whatsoever over professional matters.

(g) The articles of incorporation must provide, and all shareholders of the corporation must agree, that either all shareholders of the corporation are jointly and severally liable for all acts, errors, and omissions of the employees of the corporation or that all shareholders of the corporation are jointly and severally liable for all acts, errors, and omissions of the employees of the corporation except during periods when the corporation maintains professional liability insurance that meets the following minimum standards:

(I) The insurance insures the corporation against liability imposed upon the corporation by law for damages resulting from any claim made against the corporation arising out of the performance of professional services for others by those officers and employees of the corporation who are licensed, registered, or certified to practice under this article 245 or by those employees who provide professional services under supervision.

(II) The insurance insures the corporation against liability imposed upon it by law for damages arising out of the acts, errors, and omissions of all nonprofessional employees.

(III) The insurance is in an amount for each claim of at least one hundred thousand dollars multiplied by the number of persons licensed, registered, or certified to practice under this article 245 who are employed by the corporation. The policy may provide for an aggregate maximum limit of liability per year for all claims of three hundred thousand dollars also multiplied by the number of licensees, registrants, or certificate holders employed by the corporation, but no corporation is required to carry insurance in excess of three hundred thousand dollars for each claim with an aggregate maximum limit of liability for all claims
during the year of nine hundred thousand dollars.

(IV) The insurance policy may provide that it does not apply to: Any dishonest, fraudulent, criminal, or malicious act or omission of the insured corporation or any stockholder or employee of the corporation; or the conduct of any business enterprise, as distinguished from the practice of licensees, registrants, or certificate holders, in which the insured corporation under this section is not permitted to engage but that nevertheless may be owned by the insured corporation or in which the insured corporation may be a partner or that may be controlled, operated, or managed by the insured corporation in its own or in a fiduciary capacity, including the ownership, maintenance, or use of any property in connection therewith, when not resulting from breach of professional duty of, bodily injury to, or sickness, disease, or death of any person or to injury to or destruction of any tangible property, including the loss of use of tangible property.

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

(2) The corporation shall not act or fail to act in a manner that would violate section 12-43-222 (1) 12-245-224 (1). Any violation of this section by the corporation is grounds for a board to discipline any licensee, registrant, or certificate holder who is a member of or is employed by the corporation pursuant to section 12-43-224 12-245-226.

(3) Nothing in this section diminishes or changes the obligation of each licensee, registrant, or certificate holder employed by the corporation to conduct his or her practice in a manner that does not violate section 12-43-222 (1) 12-245-224 (1). Any licensee, registrant, or certificate holder who, by act or omission, causes the corporation to act or fail to act in a way that violates section 12-43-222 (1) 12-245-224 (1) or this section is personally responsible for the act or omission and is subject to discipline by the board.

(4) A professional service corporation may adopt a pension, CASH PROFIT-SHARING, DEFERRED profit-sharing, (whether cash or deferred), health and accident, insurance, or welfare plan for all of its employees, including lay employees, if such THE plan does not require or result in the sharing of specific or identifiable fees with lay employees and if any payments made to lay employees, or into any such THE plan on behalf of lay employees, are based upon their compensation or length of service, or both, rather than the amount of fees or income received.

(5) Nothing in this section shall be deemed to modify the privileges regarding confidential communications specified in sections 12-43-218 12-245-220 and 13-90-107 (1)(g). C.R.S.

(6) Nothing in this article 245 limits persons licensed, registered, or certified under this article 245 from forming a corporation with persons licensed, registered, or certified under this article 245.

(7) As used in this section, unless the context otherwise requires:

(a) "Articles of incorporation" includes operating agreements of limited liability
companies and partnership agreements of registered limited liability partnerships.

(b) "Corporation" includes a limited liability company organized under the "Colorado Limited Liability Company Act", article 80 of title 7, C.R.S.; and a limited liability partnership registered under section 7-60-144 or 7-64-1002. C.R.S.

(c) "Director" and "officer" of a corporation includes a member and a manager of a limited liability company and a partner in a registered limited liability partnership.

(d) "Employees" includes employees, members, and managers of a limited liability company and employees and partners of a registered limited liability partnership.

(e) "Share" includes a member's rights in a limited liability company and a partner's rights in a registered limited liability partnership.

(f) "Shareholder" includes a member of a limited liability company and a partner in a registered limited liability partnership.

12-245-214. [Formerly 12-43-212] Denial of license, registration, or certification - reinstatement. (1) Each board is empowered to determine whether an applicant for licensure, registration, or certification, or for registry as a candidate for licensure, registration, or certification, possesses the qualifications required by this article 245.

(2) If a board determines that an applicant does not possess the applicable qualifications required by this article 245 or, for a licensed clinical social worker, licensed social worker, licensed marriage and family therapist, licensed professional counselor, licensed addiction counselor, or level II or III certified addiction counselor, is unable to demonstrate his or her continued professional competence as required by section 12-43-411, 12-43-506, 12-43-605, 12-245-410, 12-245-506, 12-245-606, or 12-43-805, the board may deny the applicant a license, registration, or certification or deny the reinstatement of a license, registration, or certification. If the application is denied, the board shall provide the applicant with a statement in writing setting forth the basis of the board's determination that the applicant does not possess the qualifications or professional competence required by this article 245. The applicant may request a hearing on the determination as provided in section 24-4-104 (9). C.R.S.

(3) If a board has any reason to believe that or receives any information that an applicant has committed any of the acts set forth in section 12-43-222 (1) as grounds for discipline, the board may deny a license, registration, or certification to the applicant if the board determines that there is a basis for the denial. The order of the board to grant or deny a license, registration, or certification constitutes final agency action.

(4) A board, on its own motion or upon application, at any time after the refusal to grant a license, registration, or certification, may reconsider its prior action and grant a license, registration, or certification. The board has sole discretion to determine whether to take further action on the application after it refuses to grant a license, registration, or certification.
12-245-215. [Formerly 12-43-213] Legislative intent - schools and colleges - examinations. It is the intent of the general assembly that the definition relating to full-time courses of study and institutions of higher education for graduation of persons who are qualified to take examinations for licensure under this article be liberally construed by each board under the board's rule-making powers to ensure the right to take the examinations. It is not the intent that technical barriers be used to deny the ability to take an examination.

12-245-216. [Formerly 12-43-214] Mandatory disclosure of information to clients. (1) Except as otherwise provided in subsection (4) of this section, every licensee, registrant, or certificate holder 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 licensee, registrant, or certificate holder; 
   (b) (I) An explanation of the levels of regulation applicable to mental health professionals under this article and the differences between licensure, registration, and certification, including the educational, experience, and training requirements applicable to the particular level of regulation; and 
      (II) A listing of any degrees, credentials, certifications, registrations, and licenses held or completed by the licensee, registrant, or certificate holder, including the education, experience, and training the licensee, registrant, or certificate holder was required to satisfy in order to complete the degree, credential, certification, registration, or license; 
   (c) A statement indicating that the practice of licensed or registered persons in the field of psychotherapy is regulated by the division, and an address and telephone number for the board that regulates the licensee, registrant, or certificate holder; 
   (d) A statement indicating that: 
      (I) A client is entitled to receive information about the methods of therapy, the 
         techniques used, the duration of therapy, if known, and the fee structure; 
      (II) The client may seek a second opinion from another therapist or may terminate 
         therapy at any time; 
      (III) In a professional relationship, sexual intimacy is never appropriate and should 
         be reported to the board that licenses, registers, or certifies the licensee, registrant, or 
         certificate holder; 
      (IV) The information provided by the client during therapy sessions is legally 
         confidential in the case of licensed marriage and family therapists, social workers, 
         professional counselors, and psychologists; licensed or certified addiction counselors; and 
         registered psychotherapists, except as provided in section and except 
         for certain legal exceptions that will be identified by the licensee, registrant, or certificate 
         holder should any such situation arise during therapy; and 
      (e) If the mental health professional is a registered psychotherapist, a statement
indicating that a registered psychotherapist is a psychotherapist listed in the state's database
and is authorized by law to practice psychotherapy in Colorado but is not licensed by the state
and is not required to satisfy any standardized educational or testing requirements to obtain
a registration from the state.

(2) If the client is a child who is consenting to mental health services pursuant to
section 27-65-103, C.R.S., disclosure shall be made to the child. If the client is a child whose
parent or legal guardian is consenting to mental health services, disclosure shall be made to
the parent or legal guardian.

(3) In residential, institutional, or other settings where psychotherapy may be
provided by multiple providers, disclosure shall be made by the primary therapist. The
institution shall also provide a statement to the patient containing the information in
paragraphs (c) and (d) of subsection (1) SUBSECTIONS (1)(c) AND (1)(d) of this section and
a statement that the patient is entitled to the information listed in paragraphs (a) and (b) of
subsection (1) SUBSECTIONS (1)(a) AND (1)(b) of this section concerning any psychotherapist
in the employ of the institution who is providing psychotherapy services to the patient.

(4) The disclosure of information required by subsection (1) of this section is not
required when psychotherapy is being administered in any of the following circumstances:
(a) In an emergency;
(b) Pursuant to a court order or involuntary procedures pursuant to sections 27-65-105
to 27-65-109; C.R.S.;
(c) The sole purpose of the professional relationship is for forensic evaluation;
(d) The client is in the physical custody of either the department of corrections or the
department of human services and such department has developed an alternative program to
provide similar information to such the client and such the program has been established
through rule; or regulation;
(e) The client is incapable of understanding such the disclosure and has no guardian
to whom disclosure can be made;
(f) By a social worker practicing in a hospital that is licensed or certified under
section 25-1.5-103 (1)(a)(I) or (1)(a)(II); C.R.S.;
(g) By a person licensed or certified pursuant to this article 245, or by a registered
psychotherapist practicing in a hospital that is licensed or certified under section 25-1.5-103
(1)(a)(I) or (1)(a)(II). C.R.S.

(5) If the client has no written language or is unable to read, an oral explanation shall
accompany the written copy.

(6) Unless the client, parent, or guardian is unable to write, or refuses or objects, the
client, parent, or guardian shall sign the disclosure form required by this section not later than
the second visit with the psychotherapist.

12-245-217. [Formerly 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 245; except that such the person shall not hold himself or herself
out to the public by any title incorporating the terms "psychologist", "social worker",
"licensed social worker", "LSW", "licensed clinical social worker", "clinical social worker",
"LCSW", "licensed marriage and family therapist", "LMFT", "licensed professional
counselor", "LPC", "addiction counselor", "licensed addiction counselor", "LAC", "certified
addiction counselor", or "CAC" unless that person has been licensed or certified pursuant to
this article 245.

(2) The provisions of this article 245 shall not apply to:
(a) The practice of employment or rehabilitation counseling as performed in the
private and public sectors; except that the provisions of this article 245 shall apply to
employment or rehabilitation counselors practicing psychotherapy in the field of mental
health;
(b) The provisions of this article 43 do not apply to Employees of the state
department of human services, employees of county departments of human or social services,
or personnel under the direct supervision and control of the state department of human
services or any county department of human or social services for work undertaken as part
of their employment;
(c) The provisions of this article shall not apply to Persons who are licensed
pursuant to section 22-60.5-210 C.R.S.; and who are not licensed under this article 245 for
work undertaken as part of their employment by, or contractual agreement with, the public
schools;
(5) Nothing in this section limits the applicability of section 18-3-405.5, C.R.S.,
which applies to any person while he or she is practicing psychotherapy as defined in this
article 245. <{Moved to subsection (3), below}>.
(6) The provisions of this article shall not apply to Mediators resolving judicial
disputes pursuant to part 3 of article 22 of title 13; C.R.S.
(7) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1302, § 31, effective
July 1, 2011.)
(8) The provisions of 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 27-66-101;
C.R.S.; but such persons practicing outside the scope of employment as employees of a
facility defined by section 27-66-101 C.R.S., shall be subject to the provisions of section
12-43-702.5. <{Moved to subsection (4), below}>.
(9) The provisions of this article shall not apply to A person who resides in
another state and who is currently licensed or certified as a psychologist, marriage and family
therapist, clinical social worker, professional counselor, or addiction counselor in that state
to the extent that the licensed or certified person performs activities or services in this state,
if the activities and services are:
(a) (I) Performed within the scope of the person's license or certification;
(b) (II) Do not exceed twenty days per year in this state;
(c) (III) Are not otherwise in violation of this article 245; and
(d) (IV) Disclosed to the public that the person is not licensed or certified in this state;

OR

(f) The provisions of this article do not apply to a professional coach, including
a life coach, executive coach, personal coach, or business coach, who has had coach-specific
training and who serves clients exclusively as a coach, as long as the professional coach does
not engage in the practice of psychology, social work, marriage and family therapy, licensed
professional counseling, psychotherapy, or addiction counseling, as those practices are
defined in this article 245.

(3) NOTHING IN THIS SECTION LIMITS THE APPLICABILITY OF SECTION 18-3-405.5,
WHICH APPLIES TO ANY PERSON WHILE PRACTICING PSYCHOThERAPy AS DEFINED IN THIS
ARTICLE 245. <Moved from subsection (5), above>}

(4) THE PROVISIONS OF SECTION 12-245-703 SHALL NOT APPLY TO EMPLOYEES OF
COMMUNITY MENTAL HEALTH CENTERS OR CLINICS AS THOSE CENTERS OR CLINICS ARE
DEFINED BY SECTION 27-66-101, BUT PERSONS PRACTICING OUTSIDE THE SCOPE OF
EMPLOYMENT AS EMPLOYEES OF A FACILITY DEFINED BY SECTION 27-66-101 SHALL BE
SUBJECT TO THE PROVISIONS OF SECTION 12-245-703. <Moved from subsection (8),
above>}

12-245-218. [Formerly 12-43-216] Title use restrictions. A psychologist, social
worker, marriage and family therapist, professional counselor, or addiction counselor may
only use the title for which he or she is licensed, certified, or registered under this article 245.
Except as provided in section 12-43-306 (3) 12-245-306 (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", "licensed social
worker", "LSW", "marriage and family therapist", "LMFT", "professional counselor", "LPC",
"psychologist", "psychologist candidate", "psychology", "psychological", "addiction
counselor", "licensed addiction counselor", "LAC", "certified addiction counselor", or
"CAC", and no other person shall state or imply that he or she is licensed to practice social
work, marriage and family therapy, professional counseling, psychology, or addiction
counseling. Nothing in this section shall prohibit a person from stating or using the
educational degrees that such the person has obtained.

12-245-219. [Formerly 12-43-217] Judicial review of final board actions and
orders. SECTION 12-20-408 GOVERNS JUDICIAL REVIEW OF final actions and orders of a board
appropriate for judicial review. may be judicially reviewed in the court of appeals, and
Judicial proceedings for the enforcement of a board order may be instituted in accordance

20
12-245-220. [Formerly 12-43-218] Disclosure of confidential communications - definitions. (1) A licensee, registrant, or certificate holder shall not disclose, without the consent of the client, any confidential communications made by the client, or advice given to the client, in the course of professional employment. A licensee's, registrant's, or certificate holder's employee or associate, whether clerical or professional, shall not disclose any knowledge of said communications acquired in such capacity. Any person who has participated in any therapy conducted under the supervision of a licensee, registrant, or certificate holder, including group therapy sessions, shall not 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 does not apply when:
(a) A client or the heirs, executors, or administrators of a client file suit or a complaint against a licensee, registrant, or certificate holder on any cause of action arising out of or connected with the care or treatment of the client by the licensee, registrant, or certificate holder;
(b) A licensee, registrant, or certificate holder was in consultation with a physician, registered professional nurse, licensee, registrant, or certificate holder 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, registrant, or certificate holder is conducted by any of the following:
   (I) A board or a person or group authorized by the 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 the licensee, registrant, or certificate holder practices or the medical staff of such hospital if the medical staff operates pursuant to written bylaws approved by the governing board of the hospital; or
   (III) A professional review committee established pursuant to section 12-43-203 (11) if said person has signed a release authorizing such review;
(d) (I) A client, regardless of age:
   (A) Makes an articulable and significant threat against a school or the occupants of a school; or
   (B) Exhibits behaviors that, in the reasonable judgment of the licensee, registrant, or certificate holder, create an articulable and significant threat to the health or safety of students, teachers, administrators, or other school personnel.
   (II) A licensee, registrant, or certificate holder who discloses information under this paragraph (d) subsection (2)(d) shall limit the disclosure to appropriate school or school
district personnel and law enforcement agencies. School or school district personnel to whom
the information is disclosed shall maintain confidentiality of the disclosed information,
regardless of whether the information constitutes an education record subject to FERPA,
consistent with the requirements of FERPA and regulations and applicable guidelines
adopted under FERPA, but may disclose information in accordance with section 1232g (b)(1)
of FERPA and 34 CFR 99.36 if necessary to protect the health or safety of students or other
persons.

(III) A licensee, registrant, or certificate holder who discloses or fails to disclose a
confidential communication with a client in accordance with this paragraph (d) SUBSECTION
(2)(d) is not liable for damages in any civil action for disclosing or not disclosing the
communication. This subparagraph (III) SUBSECTION (2)(d)(III) does not rescind any
statutory duty to warn and protect specified in, and does not eliminate any potential civil
liability for failure to comply with, section 13-21-117. C.R.S.

(IV) (A) This paragraph (d) SUBSECTION (2)(d) does not apply to an education record
that, under FERPA, is exempt from the HIPAA privacy rule.

(B) Notwithstanding subsection (6) of this section, this paragraph (d) SUBSECTION
(2)(d) applies to covered entities, as defined in HIPAA.

(V) As used in this subsection (2)(d):

(A) "Articulable and significant threat" means a threat to the health or safety of a
person that, based on the totality of the circumstances, can be explained or articulated and
that constitutes a threat of substantial bodily harm to a person.

(B) "FERPA" means the federal "Family Educational Rights and Privacy Act of

(C) "HIPAA" means the federal "Health Insurance Portability and Accountability Act

(D) "School" means a public or private preschool; elementary, middle, junior high,
or high school; or institution of postsecondary education described in title 23, C.R.S.,
including the Auraria higher education center created in article 70 of title 23. C.R.S.

(VI) Repealed.

(3) The records and information produced and used in the review provided for in
paragraph (c) of subsection (2) SUBSECTION (2)(c) of this section do not become public
records solely by virtue of the use of the records and information. The identity of a client
whose records are reviewed shall not be disclosed to any person not directly involved in the
review process, and procedures shall be adopted by 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 section 12-43-224 (4) 12-245-226 (4).

(4) Subsection (1) of this section shall not apply to any delinquency or criminal
proceeding, except as provided in section 13-90-107 C.R.S., regarding any delinquency or
criminal proceeding involving a licensed psychologist.
(5) Nothing in this section shall be deemed to prohibit any other disclosures required by law.

(6) This section does not apply to covered entities, their business associates, or health oversight agencies, as each is defined in the federal "Health Insurance Portability and Accountability Act of 1996", as amended by the federal "Health Information Technology for Economic and Clinical Health Act", and the respective implementing regulations.

12-245-221. [Formerly 12-43-219] Article not to restrict other professions. (1) Nothing in this article shall be construed to prohibit any member of any other profession who is duly licensed or certified pursuant to the laws of this state from rendering service consistent with his or her training and professional ethics so long as the professional does not hold himself or herself out to the public by any title or description to which such professional is not entitled pursuant to the provisions of this article.

(2) No person licensed pursuant to article 38 shall be subject to the jurisdiction of a board created pursuant to this article to the extent such person is under the jurisdiction of the state board of nursing.

12-43-220. Data base of licensed and unlicensed psychotherapists - violation - penalty - data collection - report to sunrise and sunset review committee - repeal. (Repealed)

12-245-222. [Formerly 12-43-221] Powers and duties of the boards - rules. (1) In addition to all other powers and duties conferred and imposed upon the boards, as defined in section 12-43-201(1), each board has the following powers and duties with respect to the licensing, registration, and certification of the persons licensed, registered, or certified by each individual board pursuant to this article:

(a) To annually elect one of its members as chairperson and one as 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 section 12-20-403, 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 each board.

(H) Each board, or an administrative law judge acting on the board's behalf, may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter before the board. Each board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board pursuant to paragraph (e) of this subsection (1).
Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. The court may punish the failure to obey the order of the court as a contempt of court.

Subparagraphs (II) and (III) redundant with disciplinary procedures common provision, 12-20-403 (2) & (3).

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 that it reasonably believes involves a criminal violation;

to take disciplinary actions in conformity with this article AND SECTION 12-20-404;< Added reference to disciplinary actions common provision, 12-20-404.>

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. <Redundant with disciplinary procedures/ALJ common provision, 12-20-403 (3).>

to notify the public of all disciplinary actions taken against licensees, registrants, or certificate holders pursuant to this article.

Pursuant to this part, SECTION 12-20-204, and article 4 of title 24, C.R.S., each board is authorized to adopt and revise rules as necessary to enable the board to carry out the provisions of this part with respect to the regulation of the persons licensed, registered, or certified by each individual board pursuant to this article.

Confidential agreement to limit practice.

If a licensee, registrant, or certificate holder has a physical illness; a physical condition; or a behavioral or mental health disorder that renders the person unable to practice his or her mental health profession with reasonable skill and with safety to clients, the licensee, registrant, or certificate holder shall notify the board that regulates his or her profession of the physical illness; the physical condition; or the behavioral or mental health disorder in a manner and within a period determined by his or her oversight board. The applicable board may require the licensee, registrant, or certificate holder to submit to an examination or refer the licensee, registrant, or certificate holder to a peer health assistance program, if such program exists, to evaluate the extent of the physical illness; the physical condition; or the behavioral or mental health disorder and its impact on the licensee's, registrant's, or
(2) (a) Upon determining that a licensee, registrant, or certificate holder with a physical illness; a physical condition; or a behavioral or mental health disorder is able to render limited services with reasonable skill and with safety to clients, the applicable board may enter into a confidential agreement with the licensee, registrant, or certificate holder in which the licensee, registrant, or certificate holder agrees to limit his or her practice based on the restrictions imposed by the physical illness; the physical condition; or the behavioral or mental health disorder, as determined by the applicable board.

(b) As part of the agreement, the licensee, registrant, or certificate holder is subject to periodic reevaluations or monitoring as determined appropriate by the applicable board. The board may refer the licensee, registrant, or certificate holder to a peer assistance health program, if one exists, for reevaluation or monitoring.

(c) The parties may modify or dissolve the agreement as necessary based on the results of a reevaluation or of monitoring.

(3) By entering into an agreement with the applicable board pursuant to this section to limit his or her practice, the licensee, registrant, or certificate holder is not engaging in activities prohibited pursuant to section 12-43-222. The agreement does not constitute a restriction or discipline by the applicable board. However, if the licensee, registrant, or certificate holder fails to comply with the terms of an agreement entered into pursuant to this section, the failure constitutes a prohibited activity pursuant to section 12-43-222 (1)(f), and the licensee, registrant, or certificate holder is subject to discipline in accordance with section 12-43-223.

(4) This section does not apply to a licensee, registrant, or certificate holder subject to discipline for prohibited activities as described in section 12-43-222 (1)(e).

SECTION 12-30-107 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE APPLIES TO THIS ARTICLE 245. <{Redundant with confidential agreement common provision, 12-30-107.}>
promulgated pursuant to this article 245 or any order of a board established pursuant to this article 245;

(c) Has used advertising 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) Habitually or excessively uses or abuses alcohol, a habit-forming drug, or a controlled substance, as defined in section 18-18-102 (5); C.R.S.;

(f) (I) Fails to notify the board that regulates the person's profession, as required by section 12-30-107 (1), of a physical illness; a physical condition; or a behavioral, mental health, or substance use disorder that affects the person's ability to treat clients with reasonable skill and safety or that may endanger the health or safety of persons under his or her care;

(II) Fails to act within the limitations created by a physical illness; a physical condition; or a behavioral, mental health, or substance use disorder that renders the person unable to treat clients with reasonable skill and safety or that may endanger the health or safety of persons under his or her care; or

(III) Fails to comply with the limitations agreed to under a confidential agreement entered pursuant to section 12-43-221.5; sections 12-30-107 and 12-245-223;

(g) (I) Has acted or failed to act in a manner that does not meet the generally accepted standards of the professional discipline under which the person practices. Generally accepted standards may include, at the board's discretion, the standards of practice generally recognized by state and national associations of practitioners in the field of the person's professional discipline.

(II) A certified copy of a malpractice judgment of a court of competent jurisdiction is conclusive evidence that the act or omission does not meet generally accepted standards of the professional discipline, but evidence of the act or omission is not limited to a malpractice judgment.

(h) Has performed services outside of the person's area of training, experience, or competence;

(i) Has maintained relationships with clients that are likely to impair the 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 benefitting from the relationship and is not likely to gain such benefit
in the future;

(1) Has failed to refer a client to an appropriate practitioner when the problem of the
client is beyond such the person's training, experience, or competence;

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

(n) Has failed to render adequate professional supervision of persons practicing
pursuant to this article 245 under such the person's supervision according to generally
accepted standards of practice;

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

(p) Has failed to comply with any of the requirements pertaining to mandatory
disclosure of information to clients pursuant to section 12-43-214 12-245-216;

(q) Has offered or given commissions, rebates, or other forms of remuneration for the
referral of clients; except that a licensee, registrant, or certificate holder may pay an
independent advertising or marketing agent compensation for advertising or marketing
services rendered on the person's behalf by such the agent, including compensation that is
paid for the results of performance of such the services on a per-patient basis;

(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 two years after the period in which such a therapeutic
relationship exists;

(s) Has resorted to fraud, misrepresentation, or deception in applying for or in
securing licensure or taking any examination provided for in this article 245;

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

(I) Repeated ordering or performing demonstrably unnecessary laboratory tests or
studies without clinical justification for the tests or studies;

(II) The administration, without clinical justification, of treatment that is
demonstrably unnecessary;

(III) Ordering or performing any service or treatment that is contrary to the generally
accepted standards of the person's practice and is without clinical justification;

(IV) Using or recommending rebirthing or any therapy technique that may be
considered similar to rebirthing as a therapeutic treatment. "Rebirthing" means the
reenactment of the birthing process through therapy techniques that involve any restraint that
creates a situation in which a patient may suffer physical injury or death. For the purposes
of this subparagraph (IV) SUBSECTION (I)(t)(IV), a parent or legal guardian may not consent
to physical, chemical, or mechanical restraint on behalf of a child or ward.

(u) Has falsified or repeatedly made incorrect essential entries or repeatedly failed to
make essential entries on patient records;
(v) Has committed a fraudulent insurance act, as set forth in section 10-1-128, C.R.S.;

(w) Has sold or fraudulently obtained or furnished a license, registration, or certification to practice as a psychologist, social worker, marriage and family therapist, licensed professional counselor, psychotherapist, or addiction counselor or has aided or abetted in such activities; or

(x) Has failed to respond, in the manner required by the board, to a complaint filed with or by the board against the licensee, registrant, or certificate holder.

(2) A disciplinary action relating to a license, registration, or certification to practice a profession licensed, registered, or certified under this article or any related occupation in any other state, territory, or country for disciplinary reasons constitutes prima facie evidence of grounds for disciplinary action, including denial of licensure, registration, or certification, by a board. This subsection (2) applies only to disciplinary actions based upon acts or omissions in such state, territory, or country substantially similar to those acts or omissions set out as grounds for disciplinary action pursuant to subsection (1) of this section.

12-245-225. [Formerly 12-43-223] Authority of boards - cease-and-desist orders - rules. (1) (a) If a licensee, registrant, or certificate holder violates any provision of section 12-43-222 or 12-245-224, the board that licenses, registers, or certifies the licensee, registrant, or certificate holder may, in accordance with section 12-20-404:

(I) (a) Deny, revoke, or suspend the person's license, registration, or certification and send, by certified mail, a letter of admonition to a licensee, registrant, or certificate holder under the circumstances specified in and in accordance with section 12-20-404 (4);

(II) (b) Deny, revoke, or suspend the listing of a registered psychotherapist in the state board of registered psychotherapists database.

(III) (c) Issue a letter of admonition to a licensee, registrant, or certificate holder.

(IV) (d) Issue a confidential letter of concern to a licensee, registrant, or certificate holder.

(V) (e) Place a licensee, registrant, or certificate holder on probation.

(VI) (f) Apply for an injunction pursuant to section 12-43-227 to enjoin
a licensee, registrant, or certificate holder from practicing the profession for which the person
is licensed, registered, or certified under this article 245.

(b) (2) When a licensee, registrant, or certificate holder violates an administrative
requirement of this article 245, the board regulating the licensee, registrant, or certificate
holder may impose an administrative fine on the licensee, registrant, or certificate holder, not
to exceed five thousand dollars per violation. Each board shall adopt rules establishing a
schedule of fines setting forth different levels of fines based on whether the licensee,
registrant, or certificate holder has committed a single violation or subsequent violations of
administrative requirements.

(2) (Deleted by amendment, L. 98, p. 1119, § 18, effective July 1, 1998.)

(3) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1287, § 15, effective
July 1, 2011.)

(4) (a) If it appears to a board, based upon credible evidence as presented in a written
complaint by any person, that a licensee or registrant is acting in a manner that is an
imminent threat to the health and safety of the public, or a person is acting or has acted
without the required license or registration, the board may issue an order to cease and desist
such activity. The order shall set forth the statutes and rules alleged to have been violated,
the facts alleged to have constituted the violation, and the requirement that all unlawful acts
or unlicensed or unregistered practices immediately cease.

(b) Within ten days after service of the order to cease and desist pursuant to paragraph
(a) of this subsection (4), the respondent may request a hearing on the question of whether
acts or practices in violation of this article have occurred. Such hearing shall be conducted
pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(5) (a) If it appears to a board, based upon credible evidence as presented in a written
complaint by any person, that a person has violated any other portion of this article, then, in
addition to any specific powers granted pursuant to this article, the board may issue to such
person an order to show cause as to why the board should not issue a final order directing
such person to cease and desist from the unlawful act or unlicensed or unregistered practice:

(b) A person against whom an order to show cause has been issued pursuant to
paragraph (a) of this subsection (5) shall be promptly notified by the board of the issuance
of the order, along with a copy of the order, the factual and legal basis for the order, and the
date set by the board for a hearing on the order. Such notice may be served by personal
service, by first-class United States mail, postage prepaid, or as may be practicable upon any
person against whom such order is issued. Personal service or mailing of an order or
document pursuant to this subsection (5) shall constitute notice thereof to the person.

(c) (f) The hearing on an order to show cause shall be commenced no sooner than ten
and no later than forty-five calendar days after the date of transmission or service of the
notification by the board as provided in paragraph (b) of this subsection (5). The hearing may
be continued by agreement of all parties based upon the complexity of the matter, number
of parties to the matter, and legal issues presented in the matter, but in no event shall the
hearing commence later than sixty calendar days after the date of transmission or service of
the notification:

(II) If a person against whom an order to show cause has been issued pursuant to
paragraph (a) of this subsection (5) does not appear at the hearing, a board may present
evidence that notification was properly sent or served upon such person pursuant to
paragraph (b) of this subsection (5) and such other evidence related to the matter as the board
deems appropriate. The board shall issue the order within ten days after such board's
determination related to reasonable attempts to notify the respondent, and the order shall
become final as to that person by operation of law. Such hearing shall be conducted pursuant
to sections 24-4-104 and 24-4-105, C.R.S:

(III) If a board reasonably finds that the person against whom the order to show cause
was issued is acting or has acted without the required license or registration, or has or is
about to engage in acts or practices constituting violations of this article, a final
cease-and-desist order may be issued, directing such person to cease and desist from further
unlawful acts or unlicensed or unregistered practices:

(IV) A board shall provide notice, in the manner set forth in paragraph (b) of this
subsection (5), of the final cease-and-desist order within ten calendar days after the hearing
conducted pursuant to this paragraph (c) to each person against whom the final order has
been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) shall
be effective when issued and shall be a final order for purposes of judicial review:

(6) If it appears to a board, based upon credible evidence presented to the board, that
a person has engaged in or is about to engage in any unlicensed or unregistered act or
practice, any act or practice constituting a violation of this article, any rule promulgated
pursuant to this article, any order issued pursuant to this article, or any act or practice
constituting grounds for administrative sanction pursuant to this article, the board may enter
into a stipulation with such person:

(7) If any person fails to comply with a final cease-and-desist order or a stipulation;
a 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 such attorney shall bring, suit
for a temporary restraining order and for injunctive relief to prevent any further or continued
violation of the final order:

(8) A person aggrieved by the final cease-and-desist order may seek judicial review
of a board's determination or of a board's final order as provided in section 12-43-224 (5):

12-245-226. [Formerly 12-43-224] Disciplinary proceedings - judicial review -
mental and physical examinations - multiple licenses. (1) (a) (I) A proceeding for discipline of a licensee, registrant, or certificate holder may be commenced when the board that licenses, registers, or certifies the licensee, registrant, or certificate holder has reasonable grounds to believe that the licensee, registrant, or certificate holder under the board's jurisdiction has committed any act or failed to act pursuant to the grounds established in section 12-43-222 12-245-224 or 12-43-226 12-245-228.

   (II) (A) Any person who alleges that a licensee, registrant, or certificate holder violated a provision of this article 43 245 related to maintenance of records of a client eighteen years of age or older must file a complaint or other notice with the board within seven years after the person discovered or reasonably should have discovered the misconduct. A licensee, registrant, or certificate holder shall notify a client that the client's records may not be maintained after the seven-year period for filing a complaint pursuant to this section. The required notice must be provided to the client in writing no later than one hundred eighty days after the end of the client's treatment. The notice may be included with the licensee's disclosures pursuant to section 12-43-214 (1) 12-245-216 (1) or sent to the client's last-known mailing address. Consistent with all procedural requirements of this article 43 245, or otherwise required by law, the board must either take disciplinary action on the complaint or dismiss the complaint no later than two years after the date the complaint or notice was filed with the board.

   (B) The seven-year limitation period specified in subsection (1)(a)(II)(A) of this section does not apply to the filing of a complaint or other notice with the board for any other violation of this article 43 245, including the acts described in section 12-43-222 12-245-224 or 12-43-226 12-245-228.

   (b) A licensee, registrant, or certificate holder who holds more than one license, registration, or certification pursuant to this article 245, who has committed any act or failed to act pursuant to the grounds established in section 12-43-222 12-245-224 or 12-43-226 12-245-228, is subject to disciplinary action by all boards that license, register, or certify the person pursuant to this article 245. The findings, conclusions, and final agency order of the first board to take disciplinary action pursuant to this section against the licensee, registrant, or certificate holder, or any disciplinary action taken by the state grievance board as it existed prior to July 1, 1998, is prima facie evidence against the person in any subsequent disciplinary action taken by another board concerning the same act or series of acts.

   (c) If a licensee, registrant, or certificate holder who applies for a license, registration, or certification pursuant to this article 245 has been disciplined by any board created pursuant to this article 245, 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 certificate holder is prima facie evidence against the person in any subsequent application made for a license, registration, or certification to any other board created pursuant to this article 245.
Disciplinary proceedings shall be conducted in the manner prescribed by the "State Administrative Procedure Act", article 4 of title 24, C.R.S. AND SECTION 12-20-403.

(b) 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 245 or on any matter within the board's jurisdiction upon such conditions and terms as the board may determine. A board may elect to refer a case for formal hearing to an administrative law judge, with or without an assigned advisor from the board. If a board so elects to refer a case with an assigned advisor and the advisor is a member of the board, the advisor shall be excluded from the 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) (I) Except as provided in subparagraph (II) of this paragraph (c) of this subsection (2) of this section, a board shall not deny, revoke, or suspend a licensee's, registrant's, or certificate holder's right to use a title and shall not place a licensee, registrant, or certificate holder on probation pursuant to the grounds established in sections 12-43-222 and 12-43-226 until a hearing has been conducted if required pursuant to section 24-4-105, C.R.S. <Note to Revisor: in this context, I decided to remove cross-reference to 12-20-403 because this refers to conducting a hearing "if required pursuant to section 24-4-105. Sec. 12-20-403 doesn't "require" a hearing.>>

(II) The board that licenses, registers, or certifies a licensee, registrant, or certificate holder pursuant to this article 245 may summarily suspend the person's license, registration, or certification, subject to the limitation of section 24-4-104, under the following circumstances:

(A) In emergency situations, as provided for by section 24-4-104; C.R.S.;

(B) The licensee, registrant, or certificate holder has been adjudicated by a court of competent jurisdiction as a person who is gravely disabled, a person who is mentally incompetent, or a person who is insane; is a person who has a mental health disorder; or is a person who has an intellectual and developmental disability; or

(C) The licensee, registrant, or certificate holder violates paragraph (c) of this subsection (2) of this section.

(d) (I) If a board has reasonable cause to believe that a licensee, registrant, or certificate holder whom the board licenses, registers, or certifies pursuant to this article 245 is unable to practice with reasonable skill and safety to patients, the board may require the licensee, registrant, or certificate holder to submit to mental or physical examinations designated by the board. Upon the failure of the licensee, registrant, or certificate holder to submit to a mental or physical examination, and unless the person shows good cause for such failure, the board may act pursuant to paragraph (c) of this subsection (2) of this section or enjoin a licensee, registrant, or certificate holder pursuant to...
section 12-43-227 12-245-230 until the person submits to the required examinations.

(e) (II) Every licensee, registrant, or certificate holder is deemed to have consented to submit to mental or physical examinations when directed in writing by the board that licenses, registers, or certifies the licensee, registrant, or certificate holder pursuant to this article 245 and to have waived all objections to the admissibility of the examiner's testimony or examination reports on the ground of privileged communication.

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

(3) IN ADDITION TO THE ACTIONS AUTHORIZED BY SECTION 12-20-404, disciplinary actions may consist of the following: }Based on stakeholder feedback, adding reference to disciplinary actions common provision, 12-20-404, in this introductory portion and then striking redundant paragraphs (a), (b), (d), and (f), below.}{>}

(a) Revocation of a license, registration, or certification. (I) Revocation of a license, registration, or certification by a board means that the licensee, registrant, or certificate holder shall surrender his or her license, registration, or certification:

(II) Any person whose license, registration, or certification to practice is revoked is ineligible to apply for any license, registration, or certification issued under this article for at least three years after the date of surrender of the license, registration, or certification. Any reapplication after such three-year period is treated as a new application. }Redundant with waiting period common provision, 12-20-404 (3)(a)(III)(B), which specifically addresses the 3-year waiting period for mental health professionals.}{>}

(b) Suspension of a license, registration, or certification. Suspension of a license, registration, or certification by the board that licenses, registers, or certifies such the licensee, registrant, or certificate holder pursuant to this article is for a period to be determined by the applicable board:

(c) (a) Probationary status. A board may impose probationary status on a licensee, registrant, or certificate holder. If a board places a licensee, registrant, or certificate holder on probation, it may include conditions for continued practice that the board deems appropriate to assure that the licensee, registrant, or certificate holder is physically, mentally, and otherwise qualified to practice in accordance with generally accepted professional standards of practice, including any of the following:

(I) Submission by the licensee, registrant, or certificate holder to examinations a board may order to determine the person's physical or mental condition or professional qualifications;

(II) Participation in therapy or courses of training or education the board determines necessary to correct deficiencies found either in the hearing or by such the examinations;

(III) Review or supervision of the person's practice as may be necessary to determine the quality of, and correct any deficiencies in, that practice; and

33
(IV) The imposition of restrictions upon the nature of the person's practice to assure that the person does not practice beyond the limits of capabilities.

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

(H) When a letter of admonition is sent by the board, by certified mail, to a licensee, registrant, or certificate holder, the letter also must advise the person that he or she has the right to request, in writing within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

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

(e) (b) Issuance of confidential letters of concern. When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board but indicates to the board conduct by the licensee, registrant, or certificate holder that could lead to serious consequences if not corrected, the board may issue and send to the licensee, registrant, or certificate holder a confidential letter of concern in accordance with section 12-20-404(5). The letter must advise the licensee, registrant, or certificate holder that the board is concerned about a complaint it received about the licensee, registrant, or certificate holder should take to assuage the board's concern. Confidential letters of concern are confidential, and the board shall not disclose the existence of such a letter or its contents to members of the public or in any court action unless the board is a party to the action. <{Some redundancy with confidential letters of concern common provision, 12-20-404(5)}.>

(f) Deferred settlement or judgment. When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

(4) (a) Except as provided in paragraph (b) of this subsection (4) of this section, if a complaint is dismissed, records of investigations, examinations, hearings, meetings, and other proceedings of the board conducted pursuant to this section are exempt from the open records law, article 72 of title 24, C.R.S.

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

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

(II) Upon final agency action.

(c) In any final agency action or formal complaint, the board, when it deems necessary, shall redact all names of clients or other recipients of services to protect such persons’ confidentiality.

(5) SECTION 12-20-408 GOVERS JUDICIAL REVIEW OF final 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 board order may be instituted in accordance with section 24-4-106 (11). C.R.S. <{Redundant with judicial review common provision, 12-20-408.}>}

(6) (Deleted by amendment, L. 98, p. 1120, § 18, effective July 1, 1998.)

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

(8) (7) Any licensee, registrant, or certificate holder against whom a malpractice claim is settled or a judgment rendered in a court of competent jurisdiction shall notify the board that licenses, registers, or certifies the licensee, registrant, or certificate holder pursuant to this article of the judgment or settlement within sixty days after the disposition.

(9) (8) Any licensee, registrant, or certificate holder who has direct knowledge that a licensee, registrant, or certificate holder has violated section of the judgment or settlement within sixty days after the disposition.

12-245-227. [Formerly 12-43-225] Reconsideration and review of action of a board. A board, on its own motion or upon application, at any time after the imposition of any discipline as provided in section 12-43-224 12-245-226, may reconsider its prior action and reinstate or restore such license, registration, or certification; terminate probation; or reduce the severity of its prior disciplinary action. The board has sole discretion to determine whether to take further action or hold a hearing with respect to its prior disciplinary action.


(1) Repealed.

(2) (1) Any person who practices or offers or attempts to practice as a psychologist, social worker, marriage and family therapist, licensed professional counselor, psychotherapist, or addiction counselor without an active license, registration, or certification
issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense. Any person who commits a second or any subsequent offense commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S. 245 IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a).

<Redundant with unauthorized practice common provision, 12-20-407 (1)(a).>

(3) Repealed.

(4) (2) 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, addiction counseling, or psychotherapy or for the recovery of compensation for services rendered under such a contract.

(5) (3) When an individual has been the recipient of services prohibited by this article 245, whether or not such person knew that the rendition of the services were unlawful:

(a) 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.

12-245-229. [Formerly 12-43-226.5] Licensee duties relating to assistance animals - definitions. (1) A licensee who is approached by a patient seeking an assistance animal as a reasonable accommodation in housing shall either:

(a) Make a written finding regarding whether the patient has a disability and, if a disability is found, a separate written finding regarding whether the need for the animal is related to that disability; or

(b) Make a written finding that there is insufficient information available to make a finding regarding disability or the disability-related need for the animal.

(2) This section does not:

(a) Change any laws or procedures related to a service animal under Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq.;

(b) Affect in any way the right of pet ownership in public housing established in 42 U.S.C. sec. 1437z-3, as amended; or

(c) Limit the means by which a person with a disability may demonstrate, pursuant to state or federal law, that the person has a disability or that the person has a disability-related need for an assistance animal.

(3) A licensee shall not make a determination related to subsection (1) of this section unless the licensee:

(a) Has met with the patient in person;

(b) Is sufficiently familiar with the patient and the disability; and

(c) Is legally and professionally qualified to make the determination.

(4) For purposes of this section:
(a) "Assistance animal" means an animal that qualifies as a reasonable accommodation under the federal "Fair Housing Act", 42 U.S.C. sec. 3601 et seq., as amended, or section 504 of the federal "Rehabilitation Act of 1973", 29 U.S.C. sec. 794, as amended.

(b) "Disability" has the same meaning as set forth in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., and its related amendments and implementing regulations and includes a handicap as that term is defined in the federal "Fair Housing Act", 42 U.S.C. sec. 3601 et seq., as amended, and 24 CFR 100.201.

(c) "Service animal" has the same meaning as set forth in the implementing regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq.

12-245-230. [Formerly 12-43-227] Injunctive proceedings. (1) A board 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 ACCORDANCE WITH SECTION 12-20-406, BUT ONLY TO ENJOIN:

   (a) To enjoin Any person licensed, registered, or certified by that board pursuant to this article 245 from committing any act prohibited by this article 245;

   (b) To enjoin A licensee, registrant, or certificate holder regulated by that board from practicing the profession for which the person is licensed, registered, or certified under this article 245 if the person has violated section 12-43-224 (2)(d) 12-245-226 (2)(d) or 12-43-222 12-245-224.

   (c) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1309, § 37, effective July 1, 2011.)

(2) If the board demonstrates that the defendant has been or is committing any act prohibited by this article 245, the court shall enter a decree perpetually enjoining the defendant from further committing the act or from practicing any profession licensed, registered, or certified pursuant to this article 245.

(3) Injunctive proceedings are in addition to, and not in lieu of, penalties and other remedies provided in this article.

(4) When seeking an injunction under this section, a board is not 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: <{Some redundancy with injunctive relief common provision, 12-20-406.}>
registration, or certification shall pay a fee, for use by the administering entity selected by the
director pursuant to this subsection (1), in an amount not to exceed twenty-five dollars per
application for a new or to renew a license, registration, or certification. The director shall
annually review the fee and program usage level and adjust the fee amount based on program
usage, but the director shall not adjust the fee to an amount in excess of twenty-five dollars.
The division shall forward the fee to the chosen administering entity for use in supporting
designated providers selected to provide assistance to licensees, registrants, or certificate
holders needing help in dealing with physical, emotional, or psychological conditions that
may be detrimental to their ability to practice their mental health profession.

(b) By January 31, 2014, the director, in consultation with the boards before making
a selection, shall select one or more designated providers to provide the peer health assistance
program. For purposes of selecting designated providers, the director shall use a competitive
bidding process that encourages participation from interested vendors. To be eligible for
designation, a peer health assistance program must:

(I) Provide for the education of mental health professionals with respect to the
recognition and prevention of physical, emotional, and psychological conditions and provide
for intervention when necessary or under circumstances established by the board by rule;

(II) Offer assistance to a mental health professional in identifying physical, emotional,
or psychological conditions;

(III) Evaluate the extent of physical, emotional, or psychological conditions and refer
the mental health professional for appropriate treatment, taking into consideration the cost
of the treatment, whether the cost is prohibitive for or will pose an undue financial hardship
on the mental health professional, and, if so, referring the mental health professional to
alternative treatment or to a provider or treatment program that offers discounted fees based
on ability to pay;

(IV) Monitor the status of a mental health professional who has been referred for
treatment;

(V) Provide counseling and support for the mental health professional and for the
family of any mental health professional referred for treatment;

(VI) Agree to receive referrals from the board;

(VII) Agree to make its services available to all licensed, registered, or certified
mental health professionals; and

(VIII) Notify the appropriate board when a mental health professional has
successfully completed the peer health assistance program.

(c) The director may select an entity to administer the mental health professional peer
assistance program. An administering entity must be a nonprofit private foundation that is
qualified under section 501 (c)(3) of the federal "Internal Revenue Code of 1986", as
amended, and that is dedicated to providing support for charitable, benevolent, educational,
and scientific purposes that may be related to mental health professions, mental health
professional education, mental health research and science, and other mental health charitable purposes.

(d) The administering entity shall:

(I) Distribute the *moneys* collected by the division, less expenses, to the designated provider, as directed by the director;

(II) Provide an annual accounting to the division of all amounts collected, expenses incurred, and amounts disbursed; and

(III) Post a surety performance bond in an amount specified by the director to secure performance under the requirements of this section. The administering entity may recover the actual administrative costs incurred in performing its duties under this section in an amount not to exceed ten percent of the total amount collected.

(e) The division shall collect the required annual payments payable to the administering entity for the benefit of the administering entity and shall transfer all such payments to the administering entity. All required annual payments collected or due for each fiscal year are custodial funds that are not subject to appropriation by the general assembly, and the distribution of payments to the administering entity or expenditure of the payments by the administering entity does not constitute state fiscal year spending for purposes of section 20 of article X of the state constitution.

(2) (a) Any mental health professional who is referred by the applicable board to a peer health assistance program shall enter into a stipulation with the board pursuant to section 12-43-223(6) before participating in the program. The agreement must contain specific requirements and goals to be met by the participant, including the conditions under which the program will be successfully completed or terminated, and a provision that a failure to comply with the requirements and goals is to be promptly reported to the board and that such failure will result in disciplinary action by the board. Upon notice from the peer health assistance program that a mental health professional has successfully completed the program, the board that regulates the professional shall reinstate the professional's license, registration, or certification.

(b) Notwithstanding sections 12-43-223, 12-43-224, 12-245-225, 12-245-226, and 24-4-104, C.R.S., the applicable board may immediately suspend the license of any mental health professional who is referred to a peer health assistance program by the board and who fails to attend or to complete the program. If the mental health professional objects to the suspension, he or she may submit a written request to the board for a formal hearing on the suspension within ten days after receiving notice of the suspension, and the board shall grant the request. In the hearing, the mental health professional bears the burden of proving that his or her license, registration, or certification should not be suspended.

(c) Any mental health professional who self-refers and is accepted into a peer health assistance program shall affirm that, to the best of his or her knowledge, information, and belief, he or she knows of no instance in which he or she has violated this article 245 or the
rules of the board, except in those instances affected by the mental health professional's physical, emotional, or psychological conditions.

(3) Nothing in this section creates any liability on the director, division, or state of Colorado for their actions in making grants to peer assistance programs, and no civil action may be brought or maintained against the board, director, division, or state for an injury alleged to have been the result of the activities of any state-funded peer assistance program or the result of an act or omission of a mental health professional participating in or referred by a state-funded peer assistance program. However, the state remains liable under the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.; if an injury alleged to have been the result of an act or omission of a mental health professional participating in or referred by a state-funded peer assistance program occurred while such the mental health professional was performing duties as an employee of the state.

(4) The boards may promulgate rules necessary to implement this section. The boards and the director shall seek and obtain input from representatives of associations representing each type of mental health professional regulated under this article 245 in the development of the peer health assistance program and related rules and shall not select a designated provider until that input is obtained.

(5) As used in this section, "mental health professional" means a psychologist, social worker, marriage and family therapist, licensed professional counselor, psychotherapist, or addiction counselor regulated under this article 245.

12-245-232. [Formerly 12-43-228] Minimum standards for testing. (1) Every person licensed, registered, or certified under this article 43 245 must 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 certificate holder 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 the 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 certificate holder must meet all the
requirements of subsection (1)(b) of this section 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 subsection (1)(c) in order to practice projective testing, neuropsychological testing, or use of a battery of three or more tests to:

(I) Determine the presence, nature, causation, or extent of psychosis, dementia diseases and related disabilities, 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 certifying any person violating this section may bring disciplinary proceedings or injunctive proceedings against the person pursuant to section 12-43-224 or 12-245-226 or 12-43-227 or 12-245-230.

(3) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1310, § 38, effective July 1, 2011.)

12-245-233. [Formerly 12-43-228.5] Auricular acudetox by mental health professionals - training - definition. (1) A mental health care professional who has provided documentation that he or she has been trained to perform auricular acudetox in accordance with subsection (4) of this section may perform auricular acudetox if the auricular acudetox is performed under the mental health care professional's current scope of practice, and the mental health professional is:

(a) Licensed pursuant to this article 43 245;

(b) Certified as a level III addiction counselor pursuant to part 8 of this article 43 245;

or

(c) Registered as a psychotherapist pursuant to part 7 of this article 43 245.

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

(3) As used in this section "auricular acudetox" means the subcutaneous insertion of sterile, disposable acupuncture needles in the following five consistent, predetermined bilateral locations:
(a) Sympathetic;
(b) Shen men;
(c) Kidney;
(d) Liver; and
(e) Lung.

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

12-245-234. [Formerly 12-43-229] Repeal of article. (†) This article 245 is repealed, effective September 1, 2020. Prior to such repeal, all of the boards relating to the licensing, registration, or certification of and grievances against any person licensed, registered, or certified pursuant to this article shall be reviewed as provided for in section 24-34-104. C.R.S.

(1) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1274, § 1, effective July 1, 2011.)

PART 3
PSYCHOLOGISTS

12-245-301. [Formerly 12-43-301] Definitions. As used in this part 3, unless the context otherwise requires:

(1) "Adverse action" means any action taken by the board that finds a violation of a statute or regulation that is identified by the board as discipline and is a matter of public record.

(1.5) "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) Repealed.

(4) "License" means a certificate of licensure as a licensed psychologist.

<Redundant with common definitions provision, 12-20-102 (9).>
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. <{Correcting name of National Register of Health Service Psychologists.}>

(9) "Telepsychology" means the provision of psychological services using telecommunications technologies.

(1) There is hereby created a state board of psychologist examiners under the supervision and control of the division of professions and occupations of the department of regulatory agencies, created in section 24-1-122 (2)(g), C.R.S.

(2) The board consists of seven members who are citizens of the United States and residents of the state of Colorado as follows:

(a) Four board members must be licensed psychologists, at least two of whom shall be engaged in the direct practice of psychology; except that, if, after a good-faith attempt, the governor determines that an applicant for membership on the board pursuant to this paragraph (a) SUBSECTION (2)(a) who is engaged in the direct practice of psychology is not available to serve on the board for a particular term, the governor may appoint a licensed psychologist who is not engaged in the direct practice of psychology.

(b) Three board members must be representatives of the general public, one of whom may be a mental health consumer or family member of a mental health consumer. These individuals must 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) (Deleted by amendment, L. 2007, p. 130, § 1, effective August 3, 2007.)

(4) (3) (a) Each board member shall hold office until the expiration of such member's appointed term or until a successor is duly appointed. Except as specified in paragraph (b) of this subsection (4) SUBSECTION (3)(b) OF THIS SECTION, the term of each member shall be four years, and no board member shall serve more than two full consecutive terms. Any vacancy occurring in board membership other than by expiration of a term shall be filled by the governor by appointment for the unexpired term of such member.

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

(I) The second term of office of the licensed psychologist board member and one of
the two board members representing the general public, whose second term would otherwise expire on June 30, 2010, shall expire on May 31, 2008, and the governor shall appoint one new licensed psychologist and one new representative of the general public to serve terms as described in **paragraph (a) of this subsection (4)** **SUBSECTION (3)(a) OF THIS SECTION** commencing on June 1, 2008.

(II) The initial term of office of the one board member representing the general public whose initial term would otherwise expire on June 30, 2009, shall expire on May 31, 2009, and the board member is eligible to serve one additional four-year term commencing on June 1, 2009, and expiring on May 31, 2013. On and after the expiration of this board member's term or a vacancy in this position, the governor shall appoint a licensed psychologist to this position on the board, who is eligible to serve terms as described in **paragraph (a) of this subsection (4)** **SUBSECTION (3)(a) OF THIS SECTION** commencing on June 1 of the applicable year.

(III) The initial term of office of one of the two licensed psychologist board members whose initial term would otherwise expire on June 30, 2010, shall expire on May 31, 2009. This board member shall be eligible to serve one additional four-year term, commencing on June 1, 2009, and expiring on May 31, 2013. On and after the expiration of this board member's term, persons appointed to this position on the board shall serve terms as described in **paragraph (a) of this subsection (4)** **SUBSECTION (3)(a) OF THIS SECTION** commencing on June 1 of the applicable year.

(IV) The initial terms of office of the remaining licensed psychologist board member and the other board member representing the general public, whose initial terms would otherwise expire on June 30, 2010, shall expire on May 31, 2010. Each of these board members shall be eligible to serve one additional four-year term commencing on June 1, 2010, and expiring on May 31, 2014. On and after the expiration of these board members' terms, persons appointed to these positions on the board shall serve terms as described in **paragraph (a) of this subsection (4)** **SUBSECTION (3)(a) OF THIS SECTION** commencing on June 1 of the applicable year.

(V) The second term of office of the remaining board member representing the general public whose second term would otherwise expire on June 30, 2010, shall expire on May 31, 2010. The governor shall appoint one new representative of the general public to serve terms as described in **paragraph (a) of this subsection (4)** **SUBSECTION (3)(a) OF THIS SECTION** commencing on June 1, 2010.

(6) (5) The governor may remove any board member for misconduct, incompetence, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon. 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 total meetings in any calendar year.

(6) (5) Each board member shall receive a certificate of appointment from the
12-245-303. [Formerly 12-43-303] Practice of psychology defined. (1) For the purposes of this part 3, the "practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures, for the purpose of:

(a) Preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior;
(b) Evaluating, assessing, or facilitating the enhancement of individual, group, or organizational effectiveness, including personal effectiveness, adaptive behavior, interpersonal relationships, work and life adjustment, health, and individual, group, or organizational performance; or
(c) Providing clinical information to be utilized in legal proceedings.

(2) The practice of psychology includes:

(a) Psychological testing and the evaluation or assessment of personal characteristics such as intelligence; personality; cognitive, physical, or emotional abilities; skills; interests; aptitudes; and neuropsychological functioning;
(b) Counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy;
(c) Diagnosis, treatment, and management of behavioral, mental, or emotional health disorders or disabilities; substance use disorders; and disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability;
(d) Psychoeducational evaluation, therapy, and remediation;
(e) Consultation with physicians, other health care professionals, and patients regarding all available treatment options with respect to provision of care for a specific patient or client;
(f) The provision of direct services to individuals or groups for the purpose of enhancing individual and thereby organizational effectiveness, using psychological principles, methods, or procedures to assess and evaluate individuals on personal characteristics for individual development or behavior change or for making decisions about the individual, such as selection; and
(g) The supervision of any of the practices described in this subsection (2).

(h) to (l) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1311, § 41, effective July 1, 2011.)

(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.

(1) The board shall issue a license as a psychologist to each applicant who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-43-204, and 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 provision of this article or any rules promulgated by the board;
(c) Has completed 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) Demonstrates professional competence by passing a single, written examination in psychology as prescribed by the board and a jurisprudence examination administered by the division.

(1.5) (2) (a) The examination by the board described in paragraph (c) of subsection (1) of this section shall be given not less than twice per year at such time and place and under such supervision as the board may determine.
(b) The examination shall test for knowledge of the following three areas:
(I) General psychology;
(II) Clinical and counseling psychology; and
(III) Application of the practice of clinical and counseling psychology, including knowledge of appropriate statutes and professional ethics.
(c) The board or its designated representatives shall administer and determine the pass or fail status of the examination and take any actions necessary to ensure impartiality. The board shall determine the passing score for the examination based upon a level of minimum competency to engage in the practice of psychology.

(2) to (6) (Deleted by amendment, L. 2007, p. 137, § 1, effective July 1, 2007.)

(7) (3) (a) The board shall register as a psychologist candidate a person who files an application for registration, accompanied by the fee required by section 12-43-204, and who:
(I) Submits evidence satisfactory to the board that he or she has met the requirements of paragraphs (a), (b), and (c) of subsection (1) of this section; and
(II) Has not been previously registered as a psychologist candidate by the board.
(b) A psychologist candidate registered pursuant to this subsection (7) (3) is under the jurisdiction of the state board of psychologist examiners. The psychologist candidate may, but is not required to, register with the database of registered psychotherapists pursuant to section 12-43-702.5. If the requirements of paragraphs (d) and (e) of
subsection (1) SUBSECTIONS (1)(d) AND (1)(e) OF this section are not met within four years, the registration of the psychologist candidate expires and is not renewable unless the board, in its discretion, grants the candidate an extension. A person whose psychologist candidate registration expires is not precluded from applying for licensure or registration with any other mental health board for which the person is qualified.

12-245-305. [Formerly 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 THE 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.

12-245-306. [Formerly 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 the 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 the services without regard to the source or extent of payment for services rendered. Nothing in this part 3 prevents the provision of expert testimony by psychologists who are exempted by this part 3. A person who has completed 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 THE person remains in the employment of the same institution or agency and only in the course of conducting duties for such THE 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 prevents the practice of psychotherapy by persons registered with the state board of registered psychotherapists pursuant to section 12-43-702.5 12-245-703.

(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.


(1) In accordance with section 12-43-304 12-245-304, the board issues a license to practice as a psychologist based on whether the applicant satisfies minimum educational and experience requirements that demonstrate competency to practice as a psychologist. After a license is issued to an applicant, the licensed psychologist shall complete continuing professional development and educational hours to maintain his or her license as a psychologist.

(2) The board shall adopt rules establishing a continuing professional development program that includes, at a minimum, the following elements:

(a) The development, execution, and documentation of a learning plan;

(b) A requirement that, every two years, a licensed psychologist complete at least forty hours of continuing professional development, including one or more of the following activities, in any combination, chosen by the licensed psychologist:

(I)(A) Attending workshops; seminars; symposia; colloquia; invited speaker sessions; postdoctoral institutes; or scientific or professional programs offered at meetings of local, state, regional, national, or international professional or scientific organizations. The activities completed pursuant to this subparagraph (I) may include online continuing education but must qualify as continuing education units or continuing medical education credit approved by the American Psychological Association, state medical association, or Accreditation Council for Continuing Medical Education or by a regionally accredited institution of higher education; except that up to five of the continuing professional development hours completed pursuant to this subparagraph (I) may come from attendance at nonaccredited programming that meets the other requirements of this subparagraph (I).

(B) A licensed psychologist must retain a transcript or a certificate of attendance, including a statement of the credits earned, provided at the end of the workshop, seminar, symposium, colloquium, invited speaker session, postdoctoral institute, or scientific or
professional program offered at a meeting of a local, state, regional, national, or international professional or scientific organization as documentation of completion.

(II) Satisfactorily completing an ethics course offered by the American Psychological Association, state medical association, or Accreditation Council for Continuing Medical Education, or a regionally accredited institution of higher education. A licensed psychologist must retain a certificate of attendance or a transcript as documentation of completion. One continuing education hour is equivalent to one professional development hour.

(III) Developing and teaching an academic course in psychology at an institution accredited by a regional accrediting association. Credit is given for the first time within a given licensure cycle that the licensed psychologist teaches the course, as documented by the dean or head of the department of the institution in which the course was taught, and is based on the number of credit hours, units, or hours assigned by the institution. One academic credit, unit, or hour is equivalent to ten continuing professional development hours.

(IV) Satisfactorily completing a graduate course in psychology offered by an institution accredited by a regional accrediting association and documented by an academic transcript showing the graduate credits earned. One academic credit, unit, or hour is equivalent to ten continuing professional development hours.

(V) Developing and presenting for the first time within a given licensure cycle a workshop, seminar, symposium, colloquium, or invited speaking session at a meeting of a professional or scientific organization or a postdoctoral institute, documented by a printed program or agenda. One hour of workshop, seminar, symposium, colloquial presentation, or invited speaking session is equivalent to three continuing professional development hours.

(VI) Authoring or editing a psychology publication documented by a cover sheet, masthead, or table of contents from the publication. The maximum hours that may be earned are as follows:

(A) Authoring a professional or scientific book is equivalent to forty hours of continuing professional development hours;

(B) Authoring a professional or scientific book chapter or journal article is equivalent to twenty hours of continuing professional development hours;

(C) Editing a professional or scientific book or journal is equivalent to thirty hours of continuing professional development hours.

(D) Repealed.

(VII) Providing editorial review of a professional psychological or scientific journal article at the request of the journal's editorial staff. Such an editorial review, as documented by acknowledgment of the completed review by the editorial staff, is equivalent to one continuing professional development hour.

(c) A requirement that each licensed psychologist maintain all documentation for his or her continuing professional development hours.

(3) A licensed psychologist is not required to receive preapproval from the board or
other entity prior to the completion of a continuing professional development activity in order to receive credit for the continuing professional development hours.

(4) The board may audit up to five percent of licensed psychologists each two-year cycle to determine compliance with continuing professional development requirements.

(5) (a) Records of assessments or other documentation developed or submitted in connection with the continuing professional development program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a licensed psychologist. The records or documents shall be used only by the board for the purpose of determining whether a licensed psychologist is maintaining continuing professional development necessary to engage in the profession.

(b) Subject to the requirements of paragraph (a) of this subsection (5) of this section, nothing in this section shall be construed to restrict the discovery of information or documents that are otherwise discoverable under the Colorado rules of civil procedure in connection with a civil action against a licensed psychologist.

12-245-308. [Formerly 12-43-308] Psychology interjurisdictional compact act - powers and duties of the board - rules - definition. (1) For purposes of this section, "compact" means the psychology interjurisdictional compact authorized in part 39 of article 60 of title 24. With regard to the compact, the board has the following powers and duties:

(a) To facilitate Colorado's participation in the compact;

(b) To promulgate rules necessary for the implementation, administration, and enforcement of the compact. The board shall promulgate rules in accordance with article 4 of title 24.

(c) To appoint a person to serve as a commissioner on the psychology interjurisdictional compact commission;

(d) To regulate telepsychology in accordance with the compact;

(e) To regulate psychologist temporary authorization to practice in accordance with the compact;

(f) To notify the psychology interjurisdictional compact commission of any adverse action regarding a licensed psychologist;

(g) To provide uniform data to a coordinated license information system consistent with the rules of the psychology interjurisdictional compact commission;

(h) To approve payment of assessments levied by the psychology interjurisdictional compact commission to cover the cost of the operations and activities of the commission and its staff.

PART 4
SOCIAL WORKERS
12-245-401. [Formerly 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 12-245-402.

(3) Repealed.

(4) (3) "Clinical social work practice" shall have the same meaning as "social work
practice" as defined in section 12-43-403.

(5) (4) "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.

(5.5) (5) "Independent practice" means practicing independent of supervision.

(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 federal "Internal Revenue Code of 1986", 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" means a person licensed under this part 4 as a licensed
social worker.

(9) Repealed.

(10) (Deleted by amendment, L. 2004, p. 912, § 10, effective July 1, 2004.)

(11) (9) "Social worker" means a person who has completed an earned master's or
bachelor's degree in social work from a social work education program accredited by the
Council on Social Work Education, or a doctoral degree in social work from a doctoral
program within a social work education program accredited by the Council on Social Work
Education, and who is practicing within the scope of section 12-43-403 12-245-403.

12-245-402. [Formerly 12-43-402] State board of social work examiners.

(1) There is hereby created under the supervision and control of the division of professions
and occupations 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) Four board members shall be licensed clinical social workers, at least two of
whom shall be engaged in direct social work practice; except that, if, after a good-faith
attempt, the governor determines that an applicant for membership on the board pursuant to
this paragraph (a) SUBSECTION (2)(a) who is engaged in direct social work practice is not
available to serve on the board for a particular term, the governor may appoint a licensed
clinical social worker who is not engaged in direct social work practice.

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

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

(I) The second term of office of one of the two licensed clinical social worker board members who, as of July 25, 2010, would have served two four-year terms shall expire on June 30, 2008, and the governor shall appoint a new licensed clinical social worker to serve terms as described in paragraph (a) of this subsection (3) of this section commencing on July 1, 2008.

(II) The initial term of office of one of the board members representing the general public whose initial term would otherwise expire on July 25, 2010, expires on June 30, 2008, and the board member is eligible to serve one additional four-year term commencing on July 1, 2008, and expiring on June 30, 2012. On and after the expiration of this board member's term or a vacancy in this position, the governor shall appoint a licensed clinical social worker to this position on the board, who is eligible to serve terms as described in paragraph (a) of this subsection (3) of this section commencing on July 1 of the applicable year.

(III) The term of office of the one member representing the general public who, as of July 25, 2009, would have served one full four-year term and one partial four-year term shall expire on June 30, 2009, and the member shall be eligible to serve one additional four-year term commencing on July 1, 2009, and expiring on June 30, 2013. On and after the expiration of this board member's term, persons appointed to this position on the board shall serve terms as described in paragraph (a) of this subsection (3) of this section commencing on July 1 of the applicable year.

(IV) The term of office of the one licensed clinical social worker board member who, as of July 25, 2010, would have served one full four-year term and one partial four-year term shall expire on June 30, 2009, and the board member shall be eligible to serve one additional
four-year term commencing on July 1, 2009, and expiring on June 30, 2013. On and after the
expiration of this board member's term, persons appointed to this position on the board shall
serve terms as described in paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF THIS
SECTION commencing on July 1 of the applicable year.

(V) The initial terms of office of the one remaining licensed clinical social worker
board member and the two remaining board members representing the general public whose
initial terms would otherwise expire on July 25, 2010, shall expire on June 30, 2010, and
each of these board members shall be eligible to serve one additional four-year term,
commencing on July 1, 2010, and expiring on June 30, 2014. On and after the expiration of
these board members' terms, persons appointed to these positions on the board shall serve
terms as described in paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF THIS SECTION
commencing on July 1 of the applicable year.

(4) (Deleted by amendment, L. 2007, p. 132, § 2, effective August 3, 2007.)

(5) The governor may remove any board member for misconduct, incompetence,
or neglect of duty after giving the board member a written statement of the charges and an
opportunity to be heard thereon. 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 total meetings in any calendar year.

(6) Each board member shall receive a certificate of appointment from the
governor.

(7) When professional judgment specific to clinical practice is required in the
review of alleged violations of section 12-245-224, the board may appoint an
advisory committee of clinical practitioners to review and make recommendations to the
board.

12-245-403. [Formerly 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 person who has completed a master's degree in social work
or a doctoral degree in social work or a bachelor's degree in social work from an accredited
social work program, for the purpose of prevention, assessment, diagnosis, and intervention
with individual, family, group, organizational, and societal problems, including substance use
disorders 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;
t) Psychotherapy;
u) Consultation, supervision, and teaching in higher education; and
(v) Counseling.

(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 policies 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.

12-245-404. [Formerly 12-43-404] Qualifications - examination - licensure and registration. (1) The board shall license as a licensed social worker a person who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-43-204 12-245-205, and submits evidence satisfactory to the board that he or she, the applicant:

(a) Is at least twenty-one years of age;

(b) Has completed a master's degree from a graduate school of social work; and

(c) Demonstrates professional competence by satisfactorily passing an examination in social work as prescribed by the board and a jurisprudence examination administered by the division.

(2) The board shall license as a licensed clinical social worker a person who files an application, in a form and manner required by the board, submits the fee required by the board pursuant to section 12-43-204 12-245-205, and submits evidence satisfactory to the board that he or she, the applicant:

(a) Is at least twenty-one years of age;

(b) Has completed 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 clinical social worker, which practice includes training and work experience in the area of clinical social work practice; and

(d) Demonstrates professional competence by satisfactorily passing an examination in social work as prescribed by the board and a jurisprudence examination administered by the division.
(2.5) (3) (a) The board or its designated representative shall give the examination described in paragraph (c) of subsection (1) SUBSECTION (1)(c) of this section and in paragraph (d) of subsection (2) SUBSECTION (2)(d) of this section at least twice per year at a time and place and under the supervision determined by the board.
(b) The board or its designated representatives shall administer and determine the pass or fail status of the examination and take any actions necessary to ensure impartiality. The board shall determine the passing score for the examination based upon a level of minimum competency to engage in social work practice.
(3) (Deleted by amendment, L. 2004, p. 914, § 13, effective July 1, 2004.)
(4) to (6) (Deleted by amendment, L. 2007, p. 138, § 2, effective July 1, 2007.)
(7) (Deleted by amendment, L. 2004, p. 914, § 13, effective July 1, 2004.)
(8) (4) A person licensed as a licensed social worker pursuant to subsection (1) of this section may, but is not required to, register with the database of registered psychotherapists pursuant to section 12-245-702.5 12-245-703.

12-245-405. [Formerly 12-43-405] Rights and privileges of licensure and a social work degree. (1) Any person who possesses a valid, unsuspended, and unrevoked license as a social worker that was issued 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". 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 license as a clinical social worker that was granted pursuant to 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) (Deleted by amendment, L. 2005, p. 128, § 8, effective August 8, 2005.)
(b) (3) 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 245 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 a licensed clinical social worker or any person under the supervision of 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.

(5) Any person who has completed an earned master's or bachelor's degree in social work from a social work education program accredited by the Council on Social Work Education, or a doctoral degree in social work from a doctoral program within a social work education program accredited by the Council on Social Work Education, has the right to practice social work and to use the title "social worker". Only a person licensed as a clinical social worker or practicing under the supervision of a licensed clinical social worker may assert that he or she is practicing clinical social work or use the title of "clinical social worker".

12-245-406. [Formerly 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) A person may not 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 the person is licensed pursuant to this part 4 or has completed an earned social work degree, as defined in section 12-43-401 (9). A person may not practice as a clinical social worker unless licensed pursuant to section 12-43-404 (2) or licensed to practice social work and supervised pursuant to section 12-43-404 (1) or (2).

(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 LICENSED CLINICAL SOCIAL WORKER is available for supervision for licensure, the licensee 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 prevents the practice of psychotherapy by persons registered with the state board of registered psychotherapists pursuant to section 12-43-702.5.
12-245-407. [Formerly 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 the 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 the services without regard to the source or extent of payment for services rendered. Nothing in this part 4 prevents the provision of expert testimony by social workers who are exempted by this part 4. A person who has completed 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. (Repealed)

12-245-408. [Formerly 12-43-409] Clinical social work practice of psychotherapy.
For the purpose of licensure, the practice, under this part 4, of psychotherapy and other clinical activities within the definition of social work practice in section 12-43-403 is limited to licensed clinical social workers or licensed social workers supervised by licensed clinical social workers.

12-245-409. [Formerly 12-43-410] Employees of social services.
(1) Notwithstanding the exemption in section 12-43-215(3) 12-245-217(2)(b), an employee of the state department of human services, employee of a county department of human or social services, or personnel under the direct control or supervision of those departments, shall not 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 the person is licensed pursuant to this part 4 or has completed an earned social work degree, as defined in section 12-43-401(9).

(2) Notwithstanding the exemption in section 12-43-215(3) 12-245-217(2)(b), any employee licensed pursuant to this article 43 who is terminated from employment by the state department of human services or a county department of human or social services is subject to review and disciplinary action by the board that licenses or regulates the employee.

(3) An employee of the state department of human services or a county department of human or social services who has completed a bachelor's or master's 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 clinical social worker. The board shall consider input from representatives of the state department of human services and the county departments of human or 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).
12-245-410. [Formerly 12-43-411] Continuing professional competency - rules - definition. (1) (a) In accordance with section 12-43-404 12-245-404, the board issues a license to practice as a clinical social worker or a social worker based on whether the applicant satisfies minimum educational and experience requirements that demonstrate professional competency to practice as a licensed clinical social worker or a licensed social worker, respectively. After a license is issued to an applicant, the licensed clinical social worker or licensed social worker shall maintain continuing professional competency to practice as a licensed clinical social worker or licensed social worker, respectively.

(b) The board shall adopt rules establishing a continuing professional competency program that includes, at a minimum, the following elements:

(I) A self-assessment of the knowledge and skills of a licensed clinical social worker or licensed social worker seeking to renew or reinstate a license;

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

(III) Periodic demonstration of knowledge and skills through documentation of activities necessary to ensure at least minimal ability to safely practice the profession. Nothing in this subparagraph (III) of subsection (1) of this section shall require a licensed clinical social worker or licensed social worker to retake any examination required pursuant to section 12-43-404 12-245-404 in connection with initial licensure.

(c) The board shall establish that a licensed clinical social worker or licensed social worker is deemed to satisfy the continuing competency requirements of this section if the licensed clinical social worker or licensed social worker meets the continued professional competence requirements of one of the following entities:

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

(II) An accrediting body recognized by the board; or

(III) An entity approved by the board.

(d) (I) After the program is established, licensed clinical social workers and licensed social workers shall satisfy the requirements of the program in order to renew or reinstate a license to practice as a licensed clinical social worker or as a licensed social worker in Colorado.

(II) The requirements of this section apply to individual licensed clinical social workers or licensed social workers who are licensed pursuant to this part 4, and nothing in this section shall be construed to require a person who employs or contracts with a licensed clinical social worker or licensed social worker to comply with the requirements of this section.

(2) (a) Records of assessments or other documentation developed or submitted in connection with the continuing professional competency program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a
licensed clinical social worker or a licensed social worker. The records or documents shall be used only by the board for purposes of determining whether a licensed clinical social worker or licensed social worker is maintaining continuing professional competency to engage in the profession.

(b) Subject to the requirements of paragraph (a) of this subsection (2) of this section, nothing in this section shall be construed to restrict the discovery of information or documents that are otherwise discoverable under the Colorado rules of civil procedure in connection with a civil action against a licensed clinical social worker or licensed social worker.

(3) As used in this section, "continuing professional competency" means the ongoing ability of a licensee to learn, integrate, and apply the knowledge, skill, and judgment to practice as a licensed clinical social worker or as a licensed social worker, as applicable, according to generally accepted industry standards and professional ethical standards in a designated role and setting.

(4) Repealed.

PART 5
MARRIAGE AND FAMILY THERAPISTS

12-245-501. [Formerly 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) Repealed.

(4) "Licensed marriage and family therapist" means a person licensed under the provisions of this part 5.

(5) Repealed.

12-245-502. [Formerly 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 professions and occupations 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) Three members of the general public who are not regulated by this article 245; and
(II) Four 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) (Deleted by amendment, L. 2004, p. 916, § 17, effective July 1, 2004.)
(3) (Deleted by amendment, L. 2007, p. 133, § 3, effective August 3, 2007.)
(4) (3)(a) Each board member shall hold office until the expiration of his or her appointed term or until a successor is duly appointed. Except as specified in paragraph (b) of this subsection (4) SUBSECTION (3)(b) OF THIS SECTION, members shall serve terms of four years, and no member shall serve more than two full consecutive terms. 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 THE member.
(b) The terms of office of the members on the board are modified as follows in order to ensure staggered terms of office:
(I) The second term of office of one of the board members representing the general public whose second term would otherwise expire on August 12, 2010, shall expire on July 31, 2008. On and after the expiration of this board member's term, persons appointed to this position on the board shall serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION commencing on August 1 of the applicable year.
(II) The initial term of office of one of the marriage and family therapist board members whose initial term would otherwise expire on August 12, 2010, shall expire on July 31, 2008, and the board member shall be eligible to serve one additional four-year term commencing on August 1, 2008, and expiring on July 31, 2012. On and after the expiration of this board member's term, persons appointed to this position on the board shall serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION commencing on August 1 of the applicable year.
(III) The term of office of the one board member representing the general public who, as of August 12, 2009, would have served one full four-year term and one partial four-year term expires on July 31, 2009. This board member is eligible to serve one additional four-year term commencing on August 1, 2009, and expiring on July 31, 2013. On and after the expiration of this board member's term or a vacancy in this position, the governor shall appoint a marriage and family therapist to this position on the board, who is eligible to serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION.
commencing on August 1 of the applicable year.

(IV) The initial term of office of one of the marriage and family therapist board members whose initial term would otherwise expire on August 12, 2010, shall expire on July 31, 2009, and the board member shall be eligible to serve one additional four-year term commencing August 1, 2009, and expiring on July 31, 2013. On and after the expiration of this board member's term, persons appointed to this position on the board shall serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION commencing on August 1 of the applicable year.

(V) The initial term of office of one of the marriage and family therapist board members whose initial term of office would otherwise expire on August 12, 2010, shall expire on July 31, 2010, and the board member shall be eligible to serve one additional four-year term commencing on August 1, 2010, and expiring on July 31, 2014. On and after the expiration of this board member's term, persons appointed to this position on the board shall serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION commencing on August 1 of the applicable year.

(VI) The second term of office of one of the board members representing the general public whose second term would otherwise expire on August 12, 2010, shall expire on July 31, 2010, and the governor shall appoint one new representative of the general public to serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION commencing on August 1, 2010.

(VII) The term of office of the one board member representing the general public who, as of August 12, 2010, would have served one full four-year term and one partial four-year term shall expire on July 31, 2010. This board member shall be eligible to serve one additional four-year term commencing on August 1, 2010, and expiring on July 31, 2014. On and after the expiration of this board member's term, persons appointed to this position on the board shall serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION commencing on August 1 of the applicable year.

(5) The governor may remove any board member for misconduct, incompetence, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon. 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 total meetings in any calendar year.

(6) Each board member shall receive a certificate of appointment from the governor.

12-245-503. [Formerly 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
problems; behavioral, mental health, and substance use disorders; 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 245.

12-245-504. [Formerly 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 in a form and manner required by the board, submits the
fee required by the board pursuant to section 12-43-204 12-245-205, and furnishes evidence
satisfactory to the board that the applicant:

(a) Is at least twenty-one years of age;
(b) Is not in violation of any provision of this article 245 or any rule adopted under
this article 245;
(c) Has completed 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, and the degree
includes a practicum or internship in the principles and practice of marriage and family
therapy;
(d) Subsequent to completing 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 five hundred hours of face-to-face direct
client contact as determined by the board for the purpose of assessment and intervention
under board-approved supervision; and
(e) Demonstrates professional competence by passing an examination in marriage and
family therapy prescribed by the board and a jurisprudence examination administered by the
division.

(2) (Deleted by amendment, L. 2007, p. 139, § 3, effective July 1, 2007.)

(3) (2) The examination by the board described in paragraph (c) of subsection (1) SUBSECTION (1)(e) of this section shall be given not less than twice per year at such time and place and under such supervision as the board may determine.

(4) (3) The board or its designated representatives shall administer and determine the pass or fail status of the examination and take any actions necessary to ensure impartiality. The board shall determine the passing score for the examination based upon a level of minimum competency to engage in marriage and family therapy practice.

(5) (4) (a) The board shall register as a marriage and family therapist candidate a person who:

(I) Files an application for registration, accompanied by the fee as required by section 12-43-204 12-245-205;

(II) Submits evidence satisfactory to the board that he or she THE PERSON meets the requirements of paragraphs (a), (b), and (c) of subsection (1) SUBSECTIONS (1)(a), (1)(b), AND (1)(c) of this section; and

(III) Has not been previously registered as a marriage and family therapist candidate by the board.

(b) A marriage and family therapist candidate who registers with the board pursuant to this subsection (5) (4) is under the jurisdiction of the board and may, but is not required to, register with the database of registered psychotherapists pursuant to section 12-43-702.5 12-245-703.

(c) If a candidate does not meet the requirements of paragraphs (d) and (e) of subsection (1) SUBSECTIONS (1)(d) AND (1)(e) of this section within four years after initial registration, the candidate's registration expires and is not renewable, unless the board, in its discretion, grants the candidate an extension. A person whose marriage and family therapist candidate registration expires is not precluded from applying to this board or to any other board for licensure or registration in a mental health profession for which the person is qualified.

12-245-505. [Formerly 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 12-245-504 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
THE 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 so long as** 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 prevents the practice of psychotherapy by persons registered with the state board of registered psychotherapists pursuant to section 12-43-702.5

12-245-703.

12-245-506. [Formerly 12-43-506] Continuing professional competency - rules - definition. (1) (a) In accordance with section 12-43-504 12-245-504, the board issues a license to practice marriage and family therapy based on whether the applicant satisfies minimum educational and experience requirements that demonstrate professional competency to practice marriage and family therapy. After a license is issued to an applicant, the licensed marriage and family therapist shall maintain continuing professional competency to practice marriage and family therapy.

(b) The board shall adopt rules establishing a continuing professional competency program that includes, at a minimum, the following elements:

(I) A self-assessment of the knowledge and skills of a licensed marriage and family therapist seeking to renew or reinstate a license;

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

(III) Periodic demonstration of knowledge and skills through documentation of activities necessary to ensure at least minimal ability to safely practice the profession. Nothing in this **subparagraph (III) SUBSECTION (1)(b)(III)** shall require a licensed marriage and family therapist to retake any examination required pursuant to section 12-43-504 12-245-504 in connection with initial licensure.

(c) The board shall establish that a licensed marriage and family therapist is deemed to satisfy the continuing competency requirements of this section if the licensed marriage and family therapist meets the continued professional competence requirements of one of the following entities:

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

(II) An accrediting body recognized by the board; or
(III) An entity approved by the board.

(d) (I) After the program is established, a licensed marriage and family therapist shall satisfy the requirements of the program in order to renew or reinstate a license to practice marriage and family therapy in Colorado.

(II) The requirements of this section apply to individual marriage and family therapists who are licensed pursuant to this part 5, and nothing in this section shall be construed to require a person who employs or contracts with a licensed marriage and family therapist to comply with the requirements of this section.

(2) (a) Records of assessments or other documentation developed or submitted in connection with the continuing professional competency program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a licensed marriage and family therapist. The records or documents shall be used only by the board for purposes of determining whether a licensed marriage and family therapist is maintaining continuing professional competency to engage in the profession.

(b) Subject to the requirements of paragraph (a) of this subsection (2) of this section, nothing in this section shall be construed to restrict the discovery of information or documents that are otherwise discoverable under the Colorado rules of civil procedure in connection with a civil action against a licensed marriage and family therapist.

(3) As used in this section, "continuing professional competency" means the ongoing ability of a licensee to learn, integrate, and apply the knowledge, skill, and judgment to practice as a marriage and family therapist according to generally accepted industry standards and professional ethical standards in a designated role and setting.

(4) Repealed.

PART 6
LICENSED PROFESSIONAL COUNSELORS

12-245-601. [Formerly 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 12-245-602.


(3) Repealed.

(4) (2) "Licensed professional counselor" means a professional counselor who practices professional counseling and who is licensed pursuant to this part 6.


(6) (3) "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.

12-245-602. [Formerly 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 professions and occupations 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) Three members of the general public who are not regulated under this article 245; and

(II) Four 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.

(3) (Deleted by amendment, L. 2004, p. 917, § 19, effective July 1, 2004.)
(4) (3) (a) Each member shall hold office until the expiration of his or her appointed term or until a successor is duly appointed. Except as specified in paragraph (b) of this subsection (4) SUBSECTION (3)(b) OF THIS SECTION, members shall serve terms of four years, and no member shall serve more than two full consecutive terms. 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 THE member.

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

(I) The terms of office of the one licensed professional counselor board member and one of the board members representing the general public who, as of September 12, 2010, would have served one full four-year term and one partial four-year term shall expire on August 31, 2008. Each of these board members shall be eligible to serve one additional four-year term, commencing on September 1, 2008, and expiring on August 31, 2012. On and after the expiration of these board members' terms, persons appointed to these positions on the board shall serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION commencing on September 1 of the applicable year.
(II) The term of office of the one board member representing the public whose initial term would otherwise expire on September 12, 2009, expires on August 31, 2009, and the board member is eligible to serve one additional four-year term, commencing on September 1, 2009, and expiring on August 31, 2013. On and after the expiration of this board member's term or a vacancy in this position, the governor shall appoint a licensed professional counselor to this position on the board, who is eligible to serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION commencing on September 1 of the applicable year.

(III) The initial term of office of one of the two licensed professional counselor board members whose initial term of office would otherwise expire on September 12, 2010, shall expire on August 31, 2009. This board member shall be eligible to serve one additional four-year term commencing on September 1, 2009, and expiring on August 31, 2013. On and after the expiration of this board member's term, persons appointed to this position on the board shall serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION commencing on September 1 of the applicable year.

(IV) The initial terms of office of the two remaining board members representing the general public and the one remaining licensed professional counselor whose initial terms would otherwise expire on September 12, 2010, shall expire on August 31, 2010. Each of these board members shall be eligible to serve one additional four-year term commencing on September 1, 2010, and expiring on August 31, 2014. On and after the expiration of these board members' terms, persons appointed to these positions on the board shall serve terms as described in paragraph (a) of this subsection (4) SUBSECTION (3)(a) OF THIS SECTION commencing on September 1 of the applicable year.

(5) The governor may remove any board member for misconduct, incompetence, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon. 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 total meetings in any calendar year.

(6) Each board member shall receive a certificate of appointment from the governor.

12-245-603. [Formerly 12-43-602.5] Practice of licensed professional counseling defined. (1) For purposes of this part 6, "practice of licensed professional counseling" means the application of mental health, psychological, or human development principles through cognitive, affective, behavioral, or systematic intervention strategies that address wellness, personal growth, or career development, as well as pathology. A licensed professional counselor may render the application of these principles to individuals, couples, families, or groups.

(2) The practice of professional counseling may include:
1. (a) Evaluation;
2. (b) Assessment;
3. (c) Testing;
4. (d) Diagnosis;
5. (e) Treatment or intervention;
6. (f) Planning;
7. (g) Consultation;
8. (h) Case management;
9. (i) Education;
10. (j) Supervision;
11. (k) Psychotherapy;
12. (l) Research;
13. (m) Referral; and
14. (n) Crisis intervention.

12-245-604. [Formerly 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 in a form and manner required by the board, submits the fee required by the board pursuant to section 12-43-204, and furnishes evidence satisfactory to the board that the applicant:
(a) Is at least twenty-one years of age;
(b) Is not in violation of any provision of this article or any rule adopted under this article;
(c) Has completed a master's or doctoral degree in professional counseling from an accredited school or college or an equivalent program as determined by the board. The degree or program must 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 licensed professional counseling under supervision approved by the board; and
(e) Demonstrates professional competence by passing an examination in professional counseling demonstrating special knowledge and skill in licensed professional counseling as prescribed by the board and a jurisprudence examination administered by the division.

(2) (Deleted by amendment, L. 2007, p. 140, § 4, effective July 1, 2007.)

(3) (2) The examination by the board described in paragraph (c) of subsection (1) of this section shall be given not less than twice per year at such time and place and under such supervision as the board may determine.

(4) (3) The board or its designated representatives shall administer and determine the pass or fail status of the examination and take any actions necessary to ensure impartiality.

The board shall determine the passing score for the examination based upon a level of...
minimum competency to engage in the practice of licensed professional counseling.

(5) (4) (a) The board shall register as a licensed professional counselor candidate a
person who:

(I) Files an application for registration, accompanied by the fee as required by section
12-43-204 12-245-205;

(II) Submits evidence satisfactory to the board that he or she THE PERSON meets the
requirements of paragraphs (a), (b), and (c) of subsection (1) SUBSECTIONS (1)(a), (1)(b), AND
(1)(c) of this section; and

(III) Has not been previously registered as a licensed professional counselor candidate
by the board.

(b) A licensed professional counselor candidate who registers with the state board of
licensed professional counselor examiners pursuant to this subsection (5) (4) is under the
jurisdiction of the board and may, but is not required to, register with the database of
registered psychotherapists pursuant to section 12-43-702.5 12-245-703.

(c) If a candidate does not meet the requirements of paragraphs (d) and (e) of
subsection (1) SUBSECTIONS (1)(d) AND (1)(e) of this section within four years after initial
registration, the candidate's registration expires and is not renewable, unless the board, in its
discretion, grants the candidate an extension. A person whose licensed professional counselor
candidate registration expires is not precluded from applying to this board or to any other
board for licensure or registration in a mental health profession for which the person is
qualified.

12-245-605. [Formerly 12-43-604] Rights and privileges of licensure. (1) Any
person who possesses a valid, unsuspended, and unrevoked license as a licensed professional
counselor has the right to use the title for which he or she THE PERSON is licensed pursuant
to section 12-43-603 12-245-604. A licensed professional counselor licensed pursuant to
section 12-43-603 12-245-604 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 is not required to
obtain any other license or certification to practice professional counseling 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 IF they do not
represent themselves to be professional counselors, or their services as professional
counseling.

(4) Nothing in this part 6 prevents the practice of psychotherapy by persons registered
with the state board of registered psychotherapists pursuant to section 12-43-702.5
12-245-703.

12-245-606. [Formerly 12-43-605] Continuing professional competency - rules - definition. (1) (a) In accordance with section 12-43-603 12-245-604, the board issues a license to practice professional counseling based on whether the applicant satisfies minimum educational and experience requirements that demonstrate professional competency to practice professional counseling. After a license is issued to an applicant, the licensed professional counselor shall maintain continuing professional competency to practice professional counseling.

(b) The board shall adopt rules establishing a continuing professional competency program that includes, at a minimum, the following elements:

(I) A self-assessment of the knowledge and skills of a licensed professional counselor seeking to renew or reinstate a license;

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

(III) Periodic demonstration of knowledge and skills through documentation of activities necessary to ensure at least minimal ability to safely practice the profession. Nothing in this subparagraph (III) shall require a licensed professional counselor to retake any examination required pursuant to section 12-43-603 12-245-604 in connection with initial licensure.

(c) The board shall establish that a licensed professional counselor is deemed to satisfy the continuing competency requirements of this section if the licensed professional counselor meets the continued professional competence requirements of one of the following entities:

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

(II) An accrediting body recognized by the board; or

(III) An entity approved by the board.

(d) (I) After the program is established, a licensed professional counselor shall satisfy the requirements of the program in order to renew or reinstate a license to practice professional counseling in Colorado.

(II) The requirements of this section apply to individual professional counselors who are licensed pursuant to this part 6, and nothing in this section shall be construed to require a person who employs or contracts with a licensed professional counselor to comply with the requirements of this section.

(2) (a) Records of assessments or other documentation developed or submitted in connection with the continuing professional competency program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a licensed professional counselor. The records or documents shall be used only by the board
for purposes of determining whether a licensed professional counselor is maintaining 
continuing professional competency to engage in the profession.

(b) Subject to the requirements of paragraph (a) of this subsection (2) of this section, nothing in this section shall be construed to restrict the discovery of 
information or documents that are otherwise discoverable under the Colorado rules of civil 
procedure in connection with a civil action against a licensed professional counselor.

(3) As used in this section, "continuing professional competency" means the ongoing 
ability of a licensee to learn, integrate, and apply the knowledge, skill, and judgment to 
practice as a professional counselor according to generally accepted industry standards and 
professional ethical standards in a designated role and setting.

(4) Repealed:

PART 7
STATE BOARD OF REGISTERED PSYCHOTHERAPISTS

12-245-701. [Formerly 12-43-701] Definition. As used in this part 7, unless the 
context otherwise requires,

(4) "board" means the state board of registered psychotherapists created by section 
12-43-702 12-245-702.

(2) Repealed.

(3) and (4) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1282, § 10, 
effective July 1, 2011.)

12-245-702. [Formerly 12-43-702] State board of registered psychotherapists - 
creation - membership. (1) There is hereby created the state board of registered 
psychotherapists, which shall be under the supervision and control of the division of 
professions and occupations as provided in section 24-34-102, C.R.S. 12-20-103 (2). The 
board shall consist of seven members who are residents of the state of Colorado. <{Updating 
citation to comparable common provision, 12-20-103.}>,

(2) Three members of the board shall be appointed by the governor from the general 
public who are not regulated by this article 245 with a good-faith effort to achieve 
broad-based geographical representation. Such THE members are eligible to serve terms of 
four years. A member must not have any direct involvement or interest in the provision of 
psychotherapy; except that such A member may be or may have been a consumer of such 
PSYCHOTHERAPY services.

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

(4) (Deleted by amendment, L. 2004, p. 917, § 21, effective July 1, 2004.)

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

(6) (5) (a) Each member is eligible to hold office until the expiration of his or her appointed term or until a successor is duly appointed. 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.

(b) For purposes of appointments to the board made on or after July 1, 2011, upon the occurrence of a vacancy in a position held by a member representing the public or upon the expiration of the second term of office of a member representing the public, whichever occurs first, the governor shall appoint a regulated psychotherapist to that position on the board, who is eligible to serve terms as described in subsections (3) and (5) of this section.

(c) The governor may remove any 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.

(7) (6) A majority of the board shall constitute a quorum for the transaction of all business.

12-245-703. [Formerly 12-43-702.5] Database of registered psychotherapists - unauthorized practice - penalties - data collection. (1) The state board of registered psychotherapists shall maintain a database of all registered psychotherapists. The board shall charge a fee in the same manner as authorized in section 24-34-105, C.R.S. 12-20-105, for recording information in the database as required by this section. Information in the database maintained pursuant to this section is open to public inspection at all times. <<Changing citation to fees common provision, 12-20-105.>>

(1-5) (2) A person who: is licensed pursuant to part 3, 4, 5, 6, or 8 of this article; is registered as a psychologist candidate, licensed social worker, marriage and family therapist candidate, or professional counselor candidate; or is enrolled in a professional training program at an approved school and actively working toward acquiring and demonstrating the necessary qualifications for licensure set forth in section 12-43-304, 12-43-404, 12-43-603, 12-245-304, 12-245-404, 12-245-504, 12-245-604, or 12-43-804 may, but is not required to, register with the database of registered psychotherapists.

(2) (3) Any person not otherwise licensed, registered, or certified pursuant to this article is practicing psychotherapy in this state shall register with the board by submitting his or her name, current address, educational qualifications, disclosure statements, therapeutic orientation or methodology, or both, and years of experience in each specialty area. Upon receipt and review of the required information, the board may approve the
psychotherapist for registration in the database required by subsection (1) of this section. A registered psychotherapist shall update this information upon renewal of his or her registration and at other times and under conditions specified by the board by rule. At the time of recording the information required by this section, the registered psychotherapist shall indicate whether he or she has been convicted of, or entered a plea of guilty or nolo contendere to, any felony or misdemeanor.

(3) (4) An unlicensed person whose primary practice is psychotherapy or who holds himself or herself out to the public as able to practice psychotherapy for compensation shall not practice psychotherapy unless the person is registered with the board and included in the database required by this section. Notwithstanding the requirements of this section, a registered psychotherapist shall not use the term "licensed", "certified", "clinical", "state-approved", or any other term or abbreviation that would falsely give the impression that the psychotherapist or the service that is being provided is recommended by the state, based solely on inclusion in the database.

(4) (5) The state board of registered psychotherapists shall not register a person pursuant to this section unless the person has successfully completed a jurisprudence examination developed and approved by the division.

(5) (6) Any unlicensed person who practices psychotherapy without first complying with the registration requirements of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S. IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a). <Redundant with unauthorized practice common provision, 12-20-407.>

12-43-703. Powers and duties of the grievance board. (Repealed)
12-43-704. Prohibited activities—related provisions. (Repealed)
12-43-704.5. Authority of grievance board—cease-and-desist orders. (Repealed)
12-43-705. Disciplinary proceedings—judicial review—mental and physical examinations. (Repealed)
12-43-706. Reconsideration and review of action of grievance board. (Repealed)
12-43-707. Unlawful acts. (Repealed)
12-43-708. Injunctive proceedings. (Repealed)

12-245-704. [Formerly 12-43-709] Expenses of the board. All reasonable expenses of the board shall be paid as determined by the director of the division of professions and occupations from the fees collected pursuant to section 12-43-204 12-245-205 as provided by law.
12-245-705. [Formerly 12-43-710] Jurisdiction. If the licensee, registrant, or certificate holder is regulated by more than one board, the investigation or case being adjudicated shall be referred to the board determined appropriate by the director for final adjudication.

12-43-711. Records. (Repealed)
12-43-712. Repeal of article. (Repealed)

PART 8
ADDITION COUNSELORS

12-245-801. [Formerly 12-43-801] Definitions. As used in this part 8, unless the context otherwise requires:

(1) "Addiction" means a persistent, compulsive dependence on a behavior or substance, including mood-altering behaviors or activities known as process addictions.

(2) "Administrative supervision" means oversight of treatment agency operations, organization of people and resources, and implementation of policies and procedures in a way that directs activities towards agency goals and objectives.

(3) "Approved school, college, or university" means any accredited institution of higher education offering a full-time graduate or undergraduate course of study in behavioral health sciences, such as addiction counseling, human services, psychology, rehabilitation, social work, or other behavioral health sciences, that is recognized by an appropriate national organization or is approved by the board.

(4) "Behavioral health disorders" includes behavioral, mental health, and substance use disorders.

(5) "Board" means the state board of addiction counselor examiners created in section 12-43-802.

(6) "Certified" means certified as an addiction counselor certified at level I, II, or III.

(7) "Certified addiction counselor" means an individual who has a certificate issued by the board authorizing the individual to practice addiction counseling commensurate with his or her certification level and scope of practice.

(8) "Clinical supervision" means:

(a) The evaluation and modification or approval by a supervisor of the clinical practice of the person being supervised; and

(b) A source of knowledge, expertise, and more advanced skills made available to the person being supervised.

(9) "Co-occurring disorders" means the existence of one or more substance use disorders, addictive behavioral disorders, or behavioral or mental health disorders presenting concurrently. At the individual level, co-occurring disorders exist when at least one disorder
can be established independent of the other, and the disorders are not simply a cluster of
symptoms resulting from a single disorder.

(10) "License" means a license issued by the board pursuant to this part 8 to engage
in the practice of a licensed addiction counselor. <{Redundant with common provision
definition of "license", 12-20-103 (9).}>  

(11) (10) "Licensed addiction counselor" means a person licensed by the board to
provide professional behavioral health disorder treatment.

(1) There is hereby created a state board of addiction counselor examiners under the
supervision and control of the division. of professions and occupations in the department of
regulatory agencies. Once the governor appoints the board members and the board adopts
necessary rules, the board is responsible for regulating addiction counselors pursuant to this
part 8 and this article 245. The director retains the authority to regulate addiction counselors
for three months after the date on which all members of the board have been appointed, and
the director's rules adopted pursuant to this part 8 remain in effect until the director repeals
the rules. <{Per stakeholder feedback, sentence no longer necessary since the program has
transitioned from director model to board model}>  

(2) The board consists of seven members who are citizens of the United States and
residents of the state of Colorado. By November 30, 2011, The governor shall appoint the
members of the board as follows:

(a) (I) Four board members must be licensed or certified addiction counselors, and
except as provided in subparagraph (II) of this paragraph (a) SUBSECTION (2)(a)(II) OF THIS
SECTION, at least two of these four members must be engaged in the direct practice of
addiction counseling. The four board members appointed pursuant to this paragraph (a)
SUBSECTION (2)(a) must include at least one licensed addiction counselor and at least one
certified addiction counselor.

(II) If, after a good-faith attempt, the governor determines that a licensed or certified
addiction counselor who is engaged in the direct practice of addiction counseling is not
available to serve on the board for a particular term, the governor may appoint a licensed or
certified addiction counselor who is not engaged in the direct practice of addiction
counseling to serve on the board pursuant to this paragraph (a) SUBSECTION (2)(a).

(b) Three board members must be representatives of the general public, one of whom
may be an addiction counseling consumer or family member of an addiction counseling
consumer. These individuals must have never been addiction counselors, applicants, or
former applicants for licensure or certification as an addiction counselor, members of another
mental health profession, members of households that include addiction counselors or any
other mental health professional, or otherwise have conflicts of interest or the appearance of
a conflict with their duties as board members.
(3) (a) Each board member shall hold office until the expiration of the member's appointed term or until a successor is duly appointed. Except as specified in paragraph (b) of this subsection (3) SUBSECTION (3)(b) OF THIS SECTION, the term of each member is four years, and a board member shall not serve more than two full consecutive terms. The governor shall fill a vacancy occurring in board membership, other than by expiration of a term, by appointment for the unexpired term of the member.

(b) The initial terms of office of the members appointed to the board as of January 1, 2012, are modified as follows in order to ensure staggered terms of office:

(I) The initial term of office of one of the board members representing the general public, whose initial term would otherwise expire on December 31, 2015, expires on December 31, 2013, and this board member is eligible to serve one additional four-year term commencing on January 1, 2014, and expiring on December 31, 2017. On and after the expiration of the board member's term, the term of a person appointed to this member's position on the board is as described in paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF THIS SECTION commencing on January 1 of the applicable year.

(II) The initial terms of office of two of the licensed or certified addiction counselor board members, whose initial terms would otherwise expire on December 31, 2015, expire on December 31, 2013. These board members are eligible to serve one additional four-year term, commencing on January 1, 2014, and expiring on December 31, 2017. On and after the expiration of these board members' terms, the terms of persons appointed to the members' positions on the board are as described in paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF THIS SECTION commencing on January 1 of the applicable year.

(4) The governor may remove any board member for misconduct, incompetence, or neglect of duty. Actions constituting neglect of duty include the failure of board members to attend three consecutive meetings or at least three-fourths of the total meetings in any calendar year.

12-245-803. [Formerly 12-43-803] Practice of addiction counseling defined - scope of practice. (1) For the purposes of this part 8, "addiction counseling" means the application of general counseling theories and treatment methods adapted specifically for working with addictive and other behavioral health disorders. Addiction counselors work in a broad variety of disciplines but share an understanding of the addictive process. An addiction counselor identifies a variety of helping strategies that can be tailored to meet the needs of the client. Addiction counseling relies on the use of evidence-based practices that have been shown to be effective in treating addictive disorders.

(2) The scope of practice of addiction counseling focuses on the following four transdisciplinary foundations that underlie the work of all addiction counselors:

(a) Understanding addiction: Includes knowledge of models and theories of addiction, including alcohol and substance use disorders; recognition of social, political,
economic, and cultural contexts within which addiction exists; understanding the behavioral, psychological, physical health, and social effects of using addictive substances or engaging in addictive behaviors; and recognizing and understanding co-occurring disorders.

(b) **Treatment knowledge:** Includes the philosophies, practices, policies, and outcomes of the most generally accepted and scientifically supported models, along with research and outcome data, of treatment, recovery, relapse prevention, and continuing care for addictive disorders, including alcohol and substance use disorders. Treatment knowledge includes the ability to work effectively with families, significant others, social networks, and community systems in the treatment process and understanding the value of a multidisciplinary approach to treatment of addictive disorders, including alcohol and substance use disorders.

(c) **Application to practice:** Includes the ability to properly diagnose behavioral health disorders using appropriate assessment and testing instruments and placement criteria; stabilization to reduce negative effects of problematic behaviors; developing helping strategies and treatment levels of care based on the client's stage of readiness for change; cultural competency; and familiarity with medical and pharmacological resources for treatment.

(d) **Professional readiness:** Includes an understanding of diverse cultures; cultivation of a high level of self-awareness; ability to use critical thinking skills; adherence to ethical standards of conduct; ongoing use of clinical supervision and consultation; crisis management; and knowledge of the importance of prevention and recovery management.

(3) The primary practice dimensions of addiction counseling include the following competencies, as appropriate based on the level of certification or licensure and scope of practice:

(a) Clinical evaluation, including screening and assessment;
(b) Clinical intake, discharge, discharge planning, and referral;
(c) Treatment planning;
(d) Service coordination, including client advocacy, continuing care planning, and collaboration with other behavioral health professionals;
(e) Counseling of individuals, groups, families, couples, and significant others;
(f) Recovery management;
(g) Case management;
(h) Client, family, and community education;
(i) Documentation required for a clinical record;
(j) Professional and ethical practices;
(k) Clinical supervision; and
(l) Intervention.

(4) **Scope of practice - licensed addiction counselors.** Based on education, training, knowledge, and experience, the scope of practice of a licensed addiction counselor includes
behavioral health counseling and may include the treatment of substance use disorders, addictive behavioral disorders, and co-occurring disorders, including clinical evaluation and diagnosis, treatment planning, service coordination, case management, clinical documentation, professional and ethical responsibilities, education and psychotherapy with clients, family, and community, clinical supervisory responsibilities, and intervention.

12-245-804. [Formerly 12-43-804] Requirements for licensure and certification - rules. (1) The board shall issue a license as an addiction counselor to an applicant who files an application in the form and manner required by the board, submits the fee required by the board pursuant to section 12-43-204, and submits evidence satisfactory to the board that he or she, THE APPLICANT:
   (a) Is at least twenty-one years of age;
   (b) Is not in violation of any provision of this article or any rules promulgated by the board;
   (c) Has completed a master's or doctorate degree in the behavioral health sciences from an accredited school, college, or university or an equivalent program as determined by the board;
   (d) Demonstrates professional competence by:
      (I) Passing a national examination demonstrating special knowledge and skills in behavioral health disorders counseling as determined by the office of behavioral health in the department of human services and approved by the board; and
      (II) Passing a jurisprudence examination administered by the division;
   (e) Has met the requirements for a certificate of addiction counseling, level III;
   (f) Has completed the number of clock hours of addiction-specific training, as specified by the board by rule, including training in evidence-based treatment approaches, clinical supervision, ethics, and co-occurring disorders; and
   (g) Has completed at least five thousand hours of clinically supervised work experience.

   (2) The board shall issue a certification as an addiction counselor to an applicant who files an application in the form and manner required by the board, submits the fee required by the board pursuant to section 12-43-204, and submits evidence satisfactory to the board that he or she, THE APPLICANT:
      (a) Is at least eighteen years of age;
      (b) Is not in violation of any provision of this article or any rules promulgated by the board or by the state board of human services in the department of human services pursuant to section 27-80-108 (1)(c); C.R.S.;
      (c) Has met the requirements for certification at a particular certification level as specified in rules adopted pursuant to subsection (3) of this section by the state board of human services in the department of human services.
(3) The state board of human services in the department of human services shall
promulgate rules, with approval of the board, for certification of addiction counselors in
accordance with section 27-80-108 (1)(e). C.R.S:

(4) Nothing in this part 8 prevents members of other professions licensed under the
laws of this state from rendering services within their scope of practice as set forth in the
statutes regulating their professional practices so long as they do not represent themselves
to be certified or licensed addiction counselors.

12-245-805. [Formerly 12-43-804.5] Rights and privileges of certification and
licensure. (1) Any person who possesses a valid, unsuspended, and unrevoked certificate
as a level I, II, or III certified addiction counselor has the right to practice addiction
counseling under supervision or consultation as required by the rules of the state board of
human services in the department of human services; a level III certified addiction counselor
has the right to supervise addiction counseling practice; and all levels of certification have
the right to use the title "certified addiction counselor" and the abbreviations "CAC I", "CAC
II", or "CAC III", as applicable. No other person shall assume these titles or use these
abbreviations on any work or media to indicate that the person using the title or abbreviation
is a certified addiction counselor.

(2) Any person who possesses a valid, unsuspended, and unrevoked license as an
addiction counselor has the right to practice addiction counseling and to use the title
"licensed addiction counselor" or the abbreviation "LAC". No other person shall assume
these titles or use these abbreviations on any work or media to indicate that the person using
the title or abbreviation is a licensed addiction counselor.

12-245-806. [Formerly 12-43-805] Continuing professional competency - rules -
declaration. (1) (a) In accordance with sections 12-43-803 12-245-803 and 12-43-804
12-245-804, the board issues a license or certificate to practice addiction counseling based
on whether the applicant satisfies minimum educational and experience requirements that
demonstrate professional competency to practice addiction counseling. After a license or a
certificate as a level II or level III addiction counselor is issued to an applicant, the licensed
or level II or level III certified addiction counselor shall maintain continuing professional
competency to practice addiction counseling.

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

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

(II) Development, execution, and documentation of a learning plan based on the
assessment; and
(III) Periodic demonstration of knowledge and skills through documentation of
activities necessary to ensure at least minimal ability to safely practice the profession.
Nothing in this subparagraph (III) shall require a licensed or level II
or level III certified addiction counselor to retake any examination required pursuant to
section 12-43-804 in connection with initial licensure or certification.
(c) A licensed or level II or level III certified addiction counselor satisfies the
continuing competency requirements of this section if the licensed or level II or level III
certified addiction counselor meets the continued professional competence requirements of
one of the following entities:
(I) A state department, including continued professional competence requirements
imposed through a contractual arrangement with a provider;
(II) An accrediting body recognized by the board; or
(III) An entity approved by the board.
(d) (I) After the program is established, a licensed or level II or level III certified
addiction counselor shall satisfy the requirements of the program in order to renew or
reinstate a license or certificate to practice addiction counseling in Colorado.
(II) The requirements of this section apply to individual addiction counselors who are
licensed or level II or level III certified pursuant to this part 8, and nothing in this section
shall be construed to require a person who employs or contracts with a licensed or level II
or level III certified addiction counselor to comply with the requirements of this section.
(2) (a) Records of assessments or other documentation developed or submitted in
connection with the continuing professional competency program are confidential and not
subject to inspection by the public or discovery in connection with a civil action against a
licensed or certified addiction counselor. The records or documents shall be used only by the
board for purposes of determining whether a licensed or level II or level III certified
addiction counselor is maintaining continuing professional competency to engage in the
profession.
(b) Subject to the requirements of paragraph (a) of this subsection (2) of this section,
nothing in this section shall be construed to restrict the discovery of
information or documents that are otherwise discoverable under the Colorado rules of civil
procedure in connection with a civil action against a licensed or certified addiction counselor.
(3) As used in this section, "continuing professional competency" means the ongoing
ability of a licensed or level II or level III certified addiction counselor to learn, integrate, and
apply the knowledge, skill, and judgment to practice as an addiction counselor according to
generally accepted industry standards and professional ethical standards in a designated role
and setting.
(4) Repealed.