

**ARTICLE 43 245**  
**Mental Health**

PART 1  
LEGISLATIVE DECLARATION

~~12-43-101~~ 12-245-101. Legislative declaration.

PART 2  
GENERAL PROVISIONS

12-245-201. *Applicability of common provisions.*

~~12-43-201~~ 12-245-202. Definitions.

~~12-43-202~~ 12-245-203. Practice outside of or beyond professional training, experience, or competence - general scope of practice for licensure, registration, or certification.

~~12-43-203~~ 12-245-204. Boards - division to supervise - meetings - duties - powers - removal of members - limitation on authority.

~~12-43-203.5~~ 12-245-205. Limitation on authority. <{*Moved to 12-245-204*}>

~~12-43-204~~ 12-245-206. Fees - renewal.

~~12-43-205~~ 12-245-207. Records.

~~12-43-206~~ 12-245-208. Licensure by endorsement - rules.

~~12-43-206.5~~ 12-245-209. Provisional license - fees.

~~12-43-207~~ 12-245-210. License - issuance.

~~12-43-208~~ 12-245-211. Drugs - medicine.

~~12-43-209~~ 12-245-212. Collaborate with physician.

~~12-43-210~~ 12-245-213. Division of professions and occupations to supervise. <{*Moved to 12-245-204*}>

12-245-214. Professional review committees - immunity. <{*Moved from 12-43-203 (7)(a) & (11)(a)*}>

~~12-43-211~~ 12-245-215. Professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, and addiction counseling - definitions.

~~12-43-212~~ 12-245-216. Denial of license, registration, or certification - reinstatement.

~~12-43-213~~ 12-245-217. Legislative intent - schools and colleges - examinations.

~~12-43-214~~ 12-245-218. Mandatory disclosure of information to clients.

~~12-43-215~~ 12-245-219. Scope of article - exemptions.

~~12-43-216~~ 12-245-220. Title use restrictions.

~~12-43-217~~ 12-245-221. Judicial review of final board actions and orders.

~~12-43-218~~ 12-245-222. Disclosure of confidential communications - definitions.

~~12-43-219~~ 12-245-223. Article not to restrict other professions.

<del>12-43-220</del>	<del>Data base of licensed and unlicensed psychotherapists - violation - penalty - data collection - report to sunrise and sunset review committee - repeal. (Repeated)</del>
<del>12-43-221</del> <u>12-245-222.</u>	Powers and duties of the boards - rules.
<del>12-43-221.5</del> <u>12-245-223.</u>	Confidential agreement to limit practice.
<del>12-43-222</del> <u>12-245-224.</u>	Prohibited activities - related provisions.
<del>12-43-223</del> <u>12-245-225.</u>	Authority of boards - cease-and-desist orders - rules.
<del>12-43-224</del> <u>12-245-226.</u>	Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses.
<del>12-43-225</del> <u>12-245-227.</u>	Reconsideration and review of action of a board.
<del>12-43-226</del> <u>12-245-228.</u>	Unauthorized practice - penalties.
<del>12-43-226.5</del> <u>12-245-229.</u>	Licensee duties relating to assistance animals - definitions.
<del>12-43-227</del> <u>12-245-230.</u>	Injunctive proceedings.
<del>12-43-227.5</del> <u>12-245-231.</u>	Mental health professional peer health assistance program - fees - administration - rules.
<del>12-43-228</del> <u>12-245-232.</u>	Minimum standards for testing.
<del>12-43-228.5</del> <u>12-245-233.</u>	Auricular acudetox by mental health professionals - training - definition.
<del>12-43-229</del> <u>12-245-234.</u>	Repeal of article.

### PART 3 PSYCHOLOGISTS

<del>12-43-301</del> <u>12-245-301.</u>	Definitions.
<del>12-43-302</del> <u>12-245-302.</u>	State board of psychologist examiners.
<del>12-43-303</del> <u>12-245-303.</u>	Practice of psychology defined.
<del>12-43-304</del> <u>12-245-304.</u>	Qualifications - examinations - licensure.
<del>12-43-305</del> <u>12-245-305.</u>	Rights and privileges of licensure.
<del>12-43-306</del> <u>12-245-306.</u>	Exemptions.
<del>12-43-307</del> <u>12-245-307.</u>	Continuing professional development - rules.
<del>12-43-308</del> <u>12-245-308.</u>	Psychology interjurisdictional compact act - powers and duties of the board - rules - definition.

### PART 4 SOCIAL WORKERS

<del>12-43-401</del> <u>12-245-401.</u>	Definitions.
<del>12-43-402</del> <u>12-245-402.</u>	State board of social work examiners.
<del>12-43-403</del> <u>12-245-403.</u>	Social work practice defined.

<del>12-43-404</del> <i>12-245-404.</i>	Qualifications - examination - licensure and registration.
<del>12-43-405</del> <i>12-245-405.</i>	Rights and privileges of licensure and a social work degree.
<del>12-43-406</del> <i>12-245-406.</i>	Scope of part.
<del>12-43-407</del> <i>12-245-407.</i>	Exemptions.
<del>12-43-408.</del>	<del>School social workers. (Repealed)</del>
<del>12-43-409</del> <i>12-245-408.</i>	Clinical social work practice of psychotherapy.
<del>12-43-410</del> <i>12-245-409.</i>	Employees of social services.
<del>12-43-411</del> <i>12-245-410.</i>	Continuing professional competency - rules - definition.

## PART 5

## MARRIAGE AND FAMILY THERAPISTS

<del>12-43-501</del> <i>12-245-501.</i>	Definitions.
<del>12-43-502</del> <i>12-245-502.</i>	State board of marriage and family therapist examiners.
<del>12-43-503</del> <i>12-245-503.</i>	Marriage and family therapy practice defined.
<del>12-43-504</del> <i>12-245-504.</i>	Qualifications - examination - licensure and registration.
<del>12-43-505</del> <i>12-245-505.</i>	Rights and privileges of licensure and registration.
<del>12-43-506</del> <i>12-245-506.</i>	Continuing professional competency - rules - definition.

## PART 6

## LICENSED PROFESSIONAL COUNSELORS

<del>12-43-601</del> <i>12-245-601.</i>	Definitions.
<del>12-43-602</del> <i>12-245-602.</i>	State board of licensed professional counselor examiners.
<del>12-43-602.5</del> <i>12-245-603.</i>	Practice of licensed professional counseling defined.
<del>12-43-603</del> <i>12-245-604.</i>	Licensure - examination - licensed professional counselors.
<del>12-43-604</del> <i>12-245-605.</i>	Rights and privileges of licensure.
<del>12-43-605</del> <i>12-245-606.</i>	Continuing professional competency - rules.

## PART 7

## STATE BOARD OF REGISTERED PSYCHOTHERAPISTS

<del>12-43-701</del> <i>12-245-701.</i>	Definition.
<del>12-43-702</del> <i>12-245-702.</i>	State board of registered psychotherapists - creation - membership.
<del>12-43-702.5</del> <i>12-245-703.</i>	Database of registered psychotherapists - unauthorized practice - penalties - data collection.
<del>12-43-703.</del>	<del>Powers and duties of the grievance board. (Repealed)</del>
<del>12-43-704</del>	<del>Prohibited activities - related provisions. (Repealed)</del>

- ~~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

1  
2  
3  
4       **12-245-101. [Formerly 12-43-101] Legislative declaration.** The general assembly  
5 hereby finds and determines that, in order to safeguard the public health, safety, and welfare  
6 of the people of this state and in order to protect the people of this state against the  
7 unauthorized, unqualified, and improper application of psychology, social work, marriage  
8 and family therapy, professional counseling, psychotherapy, and addiction counseling, it is  
9 necessary that the proper regulatory authorities be established and adequately provided for.  
10 The general assembly therefore declares that there shall be established a state board of  
11 psychologist examiners, a state board of social work examiners, a state board of marriage and  
12 family therapist examiners, a state board of licensed professional counselor examiners, a state  
13 board of registered psychotherapists, and a state board of addiction counselor examiners with  
14 the authority to license, register, or certify, and take disciplinary actions or bring injunctive  
15 actions, or both, concerning licensed psychologists and psychologist candidates, licensed

1 social workers, licensed marriage and family therapists and marriage and family therapist  
2 candidates, licensed professional counselors and licensed professional counselor candidates,  
3 registered psychotherapists, and licensed and certified addiction counselors, respectively, and  
4 mental health professionals who have been issued a provisional license pursuant to this  
5 article **245**.

6  
7 **PART 2**  
8 **GENERAL PROVISIONS**  
9

10 **12-245-201. Applicability of common provisions.** ARTICLES 1, 20, AND 30 OF THIS  
11 TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 245.  
12

13 **12-245-202. [Formerly 12-43-201] Definitions.** As used in this article ~~43~~ **245**,  
14 unless the context otherwise requires:

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

19 ~~(1.3)~~ (2) "Certificate holder" means an addiction counselor certified pursuant to this  
20 article **245**.

21 ~~(1.5)~~ (3) "Certified addiction counselor" means a person who is an addiction  
22 counselor certified pursuant to this article **245**.

23 ~~(1.6)~~ (4) "Dementia diseases and related disabilities" has the same meaning set forth  
24 in section 25-1-502 (2.5).

25 ~~(1.7) "Director" means the director of the division of professions and occupations in~~  
26 ~~the department of regulatory agencies. <{Redundant with definitions common provision,~~  
27 ~~12-20-102 (6).}>~~

28 ~~(1.8) "Division" means the division of professions and occupations in the department~~  
29 ~~of regulatory agencies. <{Redundant with definitions common provision, 12-20-102 (7).}>~~

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

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

33 ~~(3.5)~~ (5) "Licensed addiction counselor" means a person who is an addiction  
34 counselor licensed pursuant to this article **245**.

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

36 ~~(5)~~ (6) "Licensed professional counselor" means a person who is a professional  
37 counselor licensed pursuant to this article **245**.

38 ~~(5.5)~~ (7) "Licensed social worker" means a person who:

- 39 (a) Is a licensed social worker or licensed clinical social worker; and

1 (b) Is licensed pursuant to this article **245**.  
2 ~~(6)~~ (8) "Licensee" means a psychologist, social worker, clinical social worker,  
3 marriage and family therapist, licensed professional counselor, or addiction counselor  
4 licensed pursuant to this article **245**.  
5 ~~(7)~~ (9) "Marriage and family therapist" means a person who is a marriage and family  
6 therapist licensed pursuant to this article **245**.  
7 ~~(7.5)~~ (10) "Professional relationship" means an interaction that is deliberately planned  
8 or directed, or both, by the licensee, registrant, or certificate holder toward obtaining specific  
9 objectives.  
10 ~~(7.7)~~ (a) (11) "Provisional license" means a license or certification issued pursuant  
11 to section ~~12-43-206.5~~ **12-245-208**.  
12 ~~(b) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1278, § 7, effective~~  
13 ~~July 1, 2011.)~~  
14 ~~(7.8)~~ (a) (12) "Provisional licensee" means a person who holds a provisional license  
15 pursuant to section ~~12-43-206.5~~ **12-245-208**.  
16 ~~(b) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1278, § 7, effective~~  
17 ~~July 1, 2011.)~~  
18 ~~(8)~~ (13) "Psychologist" means a person who is a psychologist licensed pursuant to this  
19 article **245**.  
20 ~~(9)~~ (14) (a) "Psychotherapy" means the treatment, diagnosis, testing, assessment, or  
21 counseling in a professional relationship to assist individuals or groups to alleviate behavioral  
22 and mental health disorders, understand unconscious or conscious motivation, resolve  
23 emotional, relationship, or attitudinal conflicts, or modify behaviors that interfere with  
24 effective emotional, social, or intellectual functioning. Psychotherapy follows a planned  
25 procedure of intervention that takes place on a regular basis, over a period of time, or in the  
26 cases of testing, assessment, and brief psychotherapy, psychotherapy can be a single  
27 intervention.  
28 (b) It is the intent of the general assembly that the definition of psychotherapy as used  
29 in this article **245** be interpreted in its narrowest sense to regulate only those persons who  
30 clearly fall within the definition set forth in this subsection ~~(9)~~ **(14)**.  
31 ~~(9.1)~~ (15) (a) "Registered psychotherapist" means a person:  
32 (I) Whose primary practice is psychotherapy or who holds himself or herself out to  
33 the public as being able to practice psychotherapy for compensation; and  
34 (II) Who is registered with the state board of registered psychotherapists pursuant to  
35 section ~~12-43-702.5~~ **12-245-703** to practice psychotherapy in this state.  
36 (b) "Registered psychotherapist" also includes a person who:  
37 (I) Is a licensed school psychologist licensed pursuant to section 22-60.5-210 (1)(b);  
38 **C.R.S.;**  
39 (II) Is practicing outside of a school setting; and

1 (III) Is registered with the state board of registered psychotherapists pursuant to  
2 section ~~12-43-702.5~~ **12-245-703**.

3 ~~(9.3)~~ (16) "Registrant" means a psychologist candidate, marriage and family therapist  
4 candidate, or licensed professional counselor candidate registered pursuant to section  
5 ~~12-43-304 (7), 12-43-504 (5)~~ **12-245-304 (3), 12-245-504 (4)**, or ~~12-43-603 (5)~~ **12-245-604**  
6 **(4)**, respectively, or a registered psychotherapist.

7 ~~(9.5) to (10)~~ (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1278, § 7,  
8 effective July 1, 2011.)

9  
10 **12-245-203. [Formerly 12-43-202] Practice outside of or beyond professional**  
11 **training, experience, or competence - general scope of practice for licensure,**  
12 **registration, or certification.** (1) Notwithstanding any other provision of this article **245**,  
13 no licensee, registrant, or certificate holder is authorized to practice outside of or beyond his  
14 or her THE PERSON'S area of training, experience, or competence.

15 (2) The practice of psychotherapy is one area of practice for mental health  
16 professionals licensed, certified, or registered pursuant to this article **245** but may not be the  
17 only or primary practice area of such THE professionals, other than persons registered as  
18 psychotherapists pursuant to part 7 of this article **245**. The requirements for licensure,  
19 registration, or certification as a mental health professional pursuant to this article **245** are  
20 contained in sections ~~12-43-303, 12-43-403, 12-43-503, 12-43-602.5~~ **12-245-303,**  
21 **12-245-403, 12-245-503, 12-245-603,** and ~~12-43-803~~ **12-245-803**, which define the practice  
22 of psychology, social work, marriage and family therapy, licensed professional counseling,  
23 and addiction counseling, respectively.

24  
25 **12-245-204. \_\_\_\_\_ Boards - division to supervise - meetings - duties - powers -**  
26 **removal of members - limitation on authority.** (1) [Formerly 12-43-210] Each board  
27 shall be under the supervision and control of the division. of professions and occupations of  
28 the department of regulatory agencies as created by section 24-34-102, C.R.S.

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

32 (3) [Formerly 12-43-203 (2)] (a) (I) Each board shall annually hold a meeting and  
33 elect from its membership a chairperson and vice-chairperson. Each board shall meet at such  
34 times as it deems necessary or advisable or as deemed necessary and advisable by the  
35 chairperson or a majority of its members. Each board may conduct meetings by electronic  
36 means. Each board shall give reasonable notice of its meetings in the manner prescribed by  
37 law. A majority of each board constitutes a quorum at any meeting or hearing.

38 (II) All meetings are open to the public, except when:  
39 (A) A board, or an administrative law judge acting on behalf of a board, specifically



1 determines that the harm to a complainant or other recipient of services to keep ~~such~~ THE  
2 proceedings or related documents open to the public outweighs the public interest in  
3 observing the proceedings; or

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

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

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

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

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

19 (b) Adopt an examination;

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

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

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

26 (5) [Formerly 12-43-203 (3.5)] In carrying out its duties related to the approval of  
27 applications for licensure, registration, or certification pursuant to this section, section  
28 ~~12-43-212~~ 12-245-214, and this article ~~245~~, each board shall delegate the function of the  
29 preliminary review and approval of applications to the staff of the board, with approval of  
30 an application ratified by action of the board. Each board, in its sole discretion, may  
31 individually review any application requiring board consideration prior to the approval of the  
32 application pursuant to section ~~12-43-212~~ 12-245-214 and this article ~~245~~.

33 (6) [Formerly 12-43-203 (4)] Each board shall maintain current lists of the names  
34 of all licensees, registrants, and certificate holders and records of cases and decisions  
35 rendered by the board. In addition, each board shall keep an accurate record of the results of  
36 all examinations.

37 (7) [Formerly 12-43-203 (6)] Publications of each board intended for circulation in  
38 quantity outside the board shall be issued in accordance with the provisions of section  
39 24-1-136. ~~C.R.S.~~



1  
2 (8) [Formerly 12-43-203 (9)] Any board member having an immediate personal,  
3 private, or financial interest in any matter pending before the board shall disclose the fact and  
4 shall not vote upon such THE matter.

5 (9) [Formerly 12-43-203 (10)] The governor may remove any board member for  
6 misconduct, incompetence, or neglect of duty. Actions constituting neglect of duty shall  
7 include, but not be limited to, the failure of board members to attend three consecutive  
8 meetings or at least three-quarters of the board's meetings in any one calendar year.

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

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

18  
19 ~~12-43-203.5. Limitation on authority. The authority granted each board under the~~  
20 ~~provisions of this article does not authorize a board to arbitrate or adjudicate fee disputes~~  
21 ~~between licensees, registrants, or certificate holders, or between a licensee, registrant, or~~  
22 ~~certificate holder and any other party.~~ <{*Moved to 12-245-204 (11)*}>

23  
24 12-245-205. [Formerly 12-43-204] Fees - renewal. (1) All fees collected pursuant  
25 to this article 245 shall be determined, collected, and appropriated in the same manner as set  
26 forth in section ~~24-34-105, C.R.S.~~ 12-20-105. <{*Adding reference to relocated fees common*  
27 *provision, 12-20-105.*>

28 (2) Each board may charge fees established pursuant to section ~~24-34-105, C.R.S.,~~  
29 12-20-105 to all applicants for licensure, registration, or certification under this article 245.  
30 <{*Adding reference to relocated fees common provision, 12-20-105.*}>

31 (3) Every person licensed, registered, or certified to practice psychology, social work,  
32 marriage and family therapy, professional counseling, psychotherapy, or addiction counseling  
33 within the state shall renew his or her EACH license, registration, or certification pursuant to  
34 a schedule established by the director, and licenses, registrations, and certifications shall be  
35 renewed pursuant to section ~~24-34-102 (8), C.R.S.~~ The director may establish renewal fees  
36 and delinquency fees pursuant to section ~~24-34-105, C.R.S.~~ If a person fails to renew his or  
37 her license, registration, or certification pursuant to the schedule established by the director,  
38 the license, registration, or certification expires ISSUED UNDER THIS ARTICLE 245 IS SUBJECT  
39 TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS OF

1 SECTION 12-20-202 (1) AND (2). Any person whose license, registration, or certification  
2 expires is subject to the penalties provided in this article ~~245~~ or section ~~24-34-102 (8)~~, C.R.S.  
3 ~~12-20-202 (1)~~. <{Redundant with renewals/reinstatements common provision,  
4 12-20-202.}>

5 ~~(3.5)~~ (4) The director shall coordinate fee-setting pursuant to this section so that all  
6 licensees, registrants, and certificate holders pay fees as required by this section and section  
7 ~~12-43-702.5 (1)~~ **12-245-703 (1)**.

8 ~~(4) (Deleted by amendment, L. 2004, p. 1850, § 102, effective August 4, 2004.)~~  
9

10 **12-245-206. [Formerly 12-43-205] Records.** (1) Each board shall keep a record of  
11 proceedings and a register of all applications for licenses, registrations, or certifications,  
12 which must include:

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

23  
24 **12-245-207. [Formerly 12-43-206] Licensure by endorsement - rules.** A board may  
25 issue a license by endorsement to engage in the practice of psychology, social work, marriage  
26 and family therapy, professional counseling, or addiction counseling to an applicant who has  
27 a license, registration, or certification in good standing as a psychologist, social worker,  
28 marriage and family therapist, licensed professional counselor, or addiction counselor under  
29 the laws of another jurisdiction if the applicant presents proof satisfactory to the board that,  
30 at the time of application for a Colorado license by endorsement, the applicant possesses  
31 credentials and qualifications that are substantially equivalent to the requirements of section  
32 ~~12-43-304, 12-43-404, 12-43-504, 12-43-603~~ **12-245-304, 12-245-404, 12-245-504,**  
33 **12-245-604,** or ~~12-43-804~~ **12-245-804,** whichever is applicable. Each board shall promulgate  
34 rules setting forth the manner in which the board will review credentials and qualifications  
35 of an applicant.  
36

37 **12-245-208. [Formerly 12-43-206.5] Provisional license - fees.** (1) (a) The board  
38 may issue a provisional license to an applicant who has completed a post-graduate degree  
39 that meets the educational requirements for licensure in section ~~12-43-304, 12-43-403,~~

1 ~~12-43-504, 12-43-603~~ **12-245-304, 12-245-404, 12-245-504, 12-245-604,** or ~~12-43-804~~  
2 **12-245-804**, as applicable, and who is working in a residential child care facility as defined  
3 in section 26-6-102 (33) C.R.S., under the supervision of a licensee.

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

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

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

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

14 (2) Each board may charge an application fee to an applicant for a provisional license.  
15 ~~All fees collected pursuant to this subsection (2) shall be transmitted to the state treasurer,~~  
16 ~~who shall credit the same to the division of professions and occupations cash fund pursuant~~  
17 ~~to section 24-34-105, C.R.S. An application for a provisional license must identify the name,~~  
18 ~~contact information, and license number of the licensee providing supervision of the~~  
19 ~~provisional licensure applicant. <{**Redundant with fees common provision, 12-20-105.**>~~

20 (3) ~~(Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1278, § 6, effective~~  
21 ~~July 1, 2011.)~~

22  
23 **12-245-209. [Formerly 12-43-207.] License - issuance.** Each board shall issue a  
24 license, registration, or certification, as appropriate, when an applicant successfully qualifies  
25 for licensure, registration, or certification as provided in this article **245**.

26  
27 **12-245-210. [Formerly 12-43-208] Drugs - medicine.** Nothing in this article **245**  
28 permits psychologists, social workers, marriage and family therapists, licensed professional  
29 counselors, psychotherapists, and addiction counselors licensed, registered, or certified under  
30 this article **245** to administer or prescribe drugs or in any manner engage in the practice of  
31 medicine as defined by the laws of this state.

32  
33 **12-245-211. [Formerly 12-43-209] Collaborate with physician.** In order to provide  
34 for the diagnosis and treatment of medical problems, a licensee, registrant, or certificate  
35 holder shall collaborate with a physician licensed under the laws of this state, except when  
36 practicing pursuant to section ~~12-43-201 (9)~~ **12-245-202 (14)**. A licensee, registrant, or  
37 certificate holder shall not diagnose, prescribe for, treat, or advise a client with reference to  
38 medical problems.

39

1 ~~12-43-210. Division of professions and occupations to supervise. Each board shall~~  
2 ~~be under the supervision and control of the division of professions and occupations of the~~  
3 ~~department of regulatory agencies as created by section 24-34-102, C.R.S. <{Moved to~~  
4 ~~12-245-204 (1)}>~~  
5

6 ~~12-245-212. Professional review committees - immunity. (1) (a) [Formerly~~  
7 ~~12-43-203 (11)(a)(I)] Subject to the requirements of subparagraph (H) of this paragraph (a)~~  
8 ~~SUBSECTION (1)(b) OF THIS SECTION, a professional review committee may be established~~  
9 ~~pursuant to this subsection (11) (I) to investigate the quality of care being given by a person~~  
10 ~~licensed, registered, or certified pursuant to this article 245. If a professional review~~  
11 ~~committee is established, it must include in its membership at least three persons licensed,~~  
12 ~~registered, or certified under this article 245, and such THE persons must be licensees,~~  
13 ~~registrants, or certificate holders in the same profession as the licensee, registrant, or~~  
14 ~~certificate holder who is the subject of a professional review proceeding.~~

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

21 ~~(2) [Formerly 12-43-203 (7)(a)] IN ADDITION TO THE PERSONS SPECIFIED IN SECTION~~  
22 ~~12-20-402, a member of a board or of a professional review committee authorized by a~~  
23 ~~board, a member of staff to a board or committee, AND a person acting as a witness or~~  
24 ~~consultant to a board or committee a witness testifying in a proceeding authorized under this~~  
25 ~~article, and a person who lodges a complaint pursuant to this article is immune from liability~~  
26 ~~in a civil action brought against him or her for acts occurring while acting in his or her~~  
27 ~~capacity as a board or committee member, staff, consultant, or witness, respectively, if the~~  
28 ~~individual was acting in good faith within the scope of his or her respective capacity, made~~  
29 ~~a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in~~  
30 ~~the reasonable belief that the action taken by him or her was warranted by the facts. A person~~  
31 ~~participating in good faith in lodging a complaint or participating in an investigative or~~  
32 ~~administrative proceeding pursuant to this article is immune from any civil or criminal~~  
33 ~~liability that may result from such participation IS GRANTED THE SAME IMMUNITY, AND IS~~  
34 ~~SUBJECT TO THE SAME CONDITIONS FOR IMMUNITY, AS SPECIFIED IN SECTION 12-20-402.~~

35  
36 ~~<{Somewhat redundant with immunity common provision, section 12-20-402.}>~~  
37

38 ~~12-245-213. [Formerly 12-43-211] Professional service corporations for the~~  
39 ~~practice of psychology, social work, marriage and family therapy, professional~~

1 **counseling, and addiction counseling - definitions.** (1) Licensees, registrants, or certificate  
2 holders may form professional service corporations for the practice of psychology, social  
3 work, marriage and family therapy, professional counseling, psychotherapy, or addiction  
4 counseling under the "Colorado Business Corporation Act", articles 101 to 117 of title 7,  
5 ~~C.R.S.~~, if the corporations are organized and operated in accordance with this section. The  
6 articles of incorporation of a professional service corporation formed pursuant to this section  
7 must contain provisions complying with the following requirements:

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

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

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

21 ~~(H) (Deleted by amendment, L. 98, p. 1111, 11, effective July 1, 1998.)~~

22 ~~(HH)~~ (II) The practice of social work, as defined in section ~~12-43-403~~ **12-245-403**, by  
23 the professional service corporation is performed by a licensed social worker acting  
24 independently or under the supervision of a person licensed pursuant to this article **245** or a  
25 licensed social worker. Any licensed social worker member of the professional service  
26 corporation remains individually responsible for his or her professional acts and conduct as  
27 provided elsewhere in this article **245**.

28 ~~(HV)~~ (III) The practice of marriage and family therapy, as defined in section  
29 ~~12-43-503~~ **12-245-503**, by the professional service corporation is performed by a licensed  
30 marriage and family therapist acting independently or under the supervision of a person  
31 licensed pursuant to this article **245** or a licensed marriage and family therapist. Any licensed  
32 marriage and family therapist member of the professional service corporation remains  
33 individually responsible for his or her professional acts and conduct as provided elsewhere  
34 in this article **245**.

35 ~~(V)~~ (IV) The practice of licensed professional counseling, as defined in section  
36 ~~12-43-602.5~~ **12-245-603**, by the professional service corporation is performed by a licensed  
37 professional counselor acting independently or under the supervision of a person licensed  
38 pursuant to this article **245** or a licensed professional counselor. Any licensed professional  
39 counselor member of the professional service corporation remains individually responsible



1 for his or her professional acts and conduct as provided elsewhere in this article **245**.

2 ~~(V)~~ (V) The practice of addiction counseling, as defined in section ~~12-43-803~~  
3 **12-245-803**, by the professional service corporation is performed by a licensed addiction  
4 counselor acting independently or under the supervision of a person licensed pursuant to this  
5 article **245** or a licensed addiction counselor. Any licensed addiction counselor member of  
6 the professional service corporation remains individually responsible for his or her  
7 professional acts and conduct as provided in this article **245**; or

8 ~~(VI)~~ (VI) The practice of psychotherapy, as defined in section ~~12-43-201~~  
9 **12-245-202**, by the professional service corporation is performed by a registered  
10 psychotherapist acting independently or under the supervision of a person licensed pursuant  
11 to this article **245** or a registered psychotherapist. Any registered psychotherapist member of  
12 the professional service corporation remains individually responsible for his or her  
13 professional acts and conduct as provided in this article **245**.

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

17 ~~(d) and (e) Repealed.~~

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

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

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

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

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



1 during the year of nine hundred thousand dollars.

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

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

15 (2) The corporation shall not act or fail to act in a manner that would violate section  
16 ~~12-43-222 (1)~~ 12-245-224 (1). Any violation of this section by the corporation is grounds for  
17 a board to discipline any licensee, registrant, or certificate holder who is a member of or is  
18 employed by the corporation pursuant to section ~~12-43-224~~ 12-245-226.

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

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

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

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

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

39 (a) "Articles of incorporation" includes operating agreements of limited liability

1 companies and partnership agreements of registered limited liability partnerships.

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

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

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

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

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

13  
14 **12-245-214. [Formerly 12-43-212] Denial of license, registration, or certification**  
15 **- reinstatement.** (1) Each board is empowered to determine whether an applicant for  
16 licensure, registration, or certification, or for registry as a candidate for licensure,  
17 registration, or certification, possesses the qualifications required by this article **245**.

18 (2) If a board determines that an applicant does not possess the applicable  
19 qualifications required by this article **245** or, for a licensed clinical social worker, licensed  
20 social worker, licensed marriage and family therapist, licensed professional counselor,  
21 licensed addiction counselor, or level II or III certified addiction counselor, is unable to  
22 demonstrate his or her continued professional competence as required by section ~~12-43-411,~~  
23 ~~12-43-506,~~ ~~12-43-605~~ **12-245-410, 12-245-506, 12-245-606,** or ~~12-43-805~~ **12-245-806,**  
24 respectively, the board may deny the applicant a license, registration, or certification or deny  
25 the reinstatement of a license, registration, or certification. If the application is denied, the  
26 board shall provide the applicant with a statement in writing setting forth the basis of the  
27 board's determination that the applicant does not possess the qualifications or professional  
28 competence required by this article **245**. The applicant may request a hearing on the  
29 determination as provided in section 24-4-104 (9). ~~C.R.S.~~

30 (3) If a board has any reason to believe that or receives any information that an  
31 applicant has committed any of the acts set forth in section ~~12-43-222(1)~~ **12-245-224 (1)** as  
32 grounds for discipline, the board may deny a license, registration, or certification to the  
33 applicant if the board determines that there is a basis for the denial. The order of the board  
34 to grant or deny a license, registration, or certification constitutes final agency action.

35 (4) A board, on its own motion or upon application, at any time after the refusal to  
36 grant a license, registration, or certification, may reconsider its prior action and grant a  
37 license, registration, or certification. The board has sole discretion to determine whether to  
38 take further action on the application after it refuses to grant a license, registration, or  
39 certification.

1           **12-245-215. [Formerly 12-43-213] Legislative intent - schools and colleges -**  
2 **examinations.** It is the intent of the general assembly that the definition relating to full-time  
3 courses of study and institutions of higher education for graduation of persons who are  
4 qualified to take examinations for licensure under this article **245** be liberally construed by  
5 each board under the board's rule-making powers to ensure the right to take the examinations.  
6 It is not the intent that technical barriers be used to deny the ability to take an examination.  
7

8           **12-245-216. [Formerly 12-43-214] Mandatory disclosure of information to clients.**

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

12           (a) The name, business address, and business phone number of the licensee,  
13 registrant, or certificate holder;

14           (b) (I) An explanation of the levels of regulation applicable to mental health  
15 professionals under this article **245** and the differences between licensure, registration, and  
16 certification, including the educational, experience, and training requirements applicable to  
17 the particular level of regulation; and

18           (II) A listing of any degrees, credentials, certifications, registrations, and licenses held  
19 or completed by the licensee, registrant, or certificate holder, including the education,  
20 experience, and training the licensee, registrant, or certificate holder was required to satisfy  
21 in order to complete the degree, credential, certification, registration, or license;

22           (c) A statement indicating that the practice of licensed or registered persons in the  
23 field of psychotherapy is regulated by the division, and an address and telephone number for  
24 the board that regulates the licensee, registrant, or certificate holder;

25           (d) A statement indicating that:

26           (I) A client is entitled to receive information about the methods of therapy, the  
27 techniques used, the duration of therapy, if known, and the fee structure;

28           (II) The client may seek a second opinion from another therapist or may terminate  
29 therapy at any time;

30           (III) In a professional relationship, sexual intimacy is never appropriate and should  
31 be reported to the board that licenses, registers, or certifies the licensee, registrant, or  
32 certificate holder;

33           (IV) The information provided by the client during therapy sessions is legally  
34 confidential in the case of licensed marriage and family therapists, social workers,  
35 professional counselors, and psychologists; licensed or certified addiction counselors; and  
36 registered psychotherapists, except as provided in section ~~12-43-218~~ **12-245-220** and except  
37 for certain legal exceptions that will be identified by the licensee, registrant, or certificate  
38 holder should any such situation arise during therapy; and

39           (e) If the mental health professional is a registered psychotherapist, a statement

1 indicating that a registered psychotherapist is a psychotherapist listed in the state's database  
2 and is authorized by law to practice psychotherapy in Colorado but is not licensed by the state  
3 and is not required to satisfy any standardized educational or testing requirements to obtain  
4 a registration from the state.

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

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

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

18 (a) In an emergency;

19 (b) Pursuant to a court order or involuntary procedures pursuant to sections 27-65-105  
20 to 27-65-109; ~~C.R.S.~~;

21 (c) The sole purpose of the professional relationship is for forensic evaluation;

22 (d) The client is in the physical custody of either the department of corrections or the  
23 department of human services and such department has developed an alternative program to  
24 provide similar information to ~~such~~ THE client and ~~such~~ THE program has been established  
25 through rule; ~~or regulation~~;

26 (e) The client is incapable of understanding ~~such~~ THE disclosure and has no guardian  
27 to whom disclosure can be made;

28 (f) By a social worker practicing in a hospital that is licensed or certified under  
29 section 25-1.5-103 (1)(a)(I) or (1)(a)(II); ~~C.R.S.~~;

30 (g) By a person licensed or certified pursuant to this article **245**, or by a registered  
31 psychotherapist practicing in a hospital that is licensed or certified under section 25-1.5-103  
32 (1)(a)(I) or (1)(a)(II). ~~C.R.S.~~

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

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

38  
39 **12-245-217. [Formerly 12-43-215] Scope of article - exemptions.** (1) Any person

1 engaged in the practice of religious ministry shall not be required to comply with the  
2 provisions of this article 245; except that ~~such~~ THE person shall not hold himself or herself  
3 out to the public by any title incorporating the terms "psychologist", "social worker",  
4 "licensed social worker", "LSW", "licensed clinical social worker", "clinical social worker",  
5 "LCSW", "licensed marriage and family therapist", "LMFT", "licensed professional  
6 counselor", "LPC", "addiction counselor", "licensed addiction counselor", "LAC", "certified  
7 addiction counselor", or "CAC" unless that person has been licensed or certified pursuant to  
8 this article 245.

9 (2) The provisions of this article 245 shall not apply to:

10 (a) The practice of employment or rehabilitation counseling as performed in the  
11 private and public sectors; except that the provisions of this article 245 shall apply to  
12 employment or rehabilitation counselors practicing psychotherapy in the field of mental  
13 health;

14 ~~(3) (b) The provisions of this article 43 do not apply to~~ Employees of the state  
15 department of human services, employees of county departments of human or social services,  
16 or personnel under the direct supervision and control of the state department of human  
17 services or any county department of human or social services for work undertaken as part  
18 of their employment;

19 ~~(4) (c) The provisions of this article shall not apply to~~ Persons who are licensed  
20 pursuant to section 22-60.5-210 C.R.S., and who are not licensed under this article 245 for  
21 work undertaken as part of their employment by, or contractual agreement with, the public  
22 schools;

23 ~~(5) Nothing in this section limits the applicability of section 18-3-405.5, C.R.S.,~~  
24 ~~which applies to any person while he or she is practicing psychotherapy as defined in this~~  
25 ~~article 245. <{Moved to subsection (3), below.}>~~

26 ~~(6) (d) The provisions of this article shall not apply to~~ Mediators resolving judicial  
27 disputes pursuant to part 3 of article 22 of title 13; C.R.S.

28 ~~(7) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1302, § 31, effective~~  
29 ~~July 1, 2011.)~~

30 ~~(8) The provisions of section 12-43-702.5 shall not apply to employees of community~~  
31 ~~mental health centers or clinics as those centers or clinics are defined by section 27-66-101,~~  
32 ~~C.R.S., but such persons practicing outside the scope of employment as employees of a~~  
33 ~~facility defined by section 27-66-101 C.R.S., shall be subject to the provisions of section~~  
34 ~~12-43-702.5. <{Moved to subsection (4), below}>~~

35 ~~(9) (e) The provisions of this article shall not apply to~~ A person who resides in  
36 another state and who is currently licensed or certified as a psychologist, marriage and family  
37 therapist, clinical social worker, professional counselor, or addiction counselor in that state  
38 to the extent that the licensed or certified person performs activities or services in this state,  
39 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

~~(10) (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



1 with section 24-4-106 (11). ~~€R.S.~~ <{*Redundant with judicial review common provision,*  
2 *12-20-408.*>  
3

4 **12-245-220. [Formerly 12-43-218] Disclosure of confidential communications -**  
5 **definitions.** (1) A licensee, registrant, or certificate holder shall not disclose, without the  
6 consent of the client, any confidential communications made by the client, or advice given  
7 to the client, in the course of professional employment. A licensee's, registrant's, or certificate  
8 holder's employee or associate, whether clerical or professional, shall not disclose any  
9 knowledge of ~~said~~ THE communications acquired in ~~such~~ THAT capacity. Any person who has  
10 participated in any therapy conducted under the supervision of a licensee, registrant, or  
11 certificate holder, including group therapy sessions, shall not disclose any knowledge gained  
12 during the course of ~~such~~ THE therapy without the consent of the person to whom the  
13 knowledge relates.

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

15 (a) A client or the heirs, executors, or administrators of a client file suit or a  
16 complaint against a licensee, registrant, or certificate holder on any cause of action arising  
17 out of or connected with the care or treatment of the client by the licensee, registrant, or  
18 certificate holder;

19 (b) A licensee, registrant, or certificate holder was in consultation with a physician,  
20 registered professional nurse, licensee, registrant, or certificate holder against whom a suit  
21 or complaint was filed based on the case out of which ~~said~~ THE suit or complaint arises;

22 (c) A review of services of a licensee, registrant, or certificate holder is conducted by  
23 any of the following:

24 (I) A board or a person or group authorized by the board to make an investigation on  
25 its behalf;

26 (II) The governing board of a hospital licensed pursuant to part 1 of article 3 of title  
27 25, ~~€R.S.~~, where the licensee, registrant, or certificate holder practices or the medical staff  
28 of ~~such~~ THE hospital if the medical staff operates pursuant to written bylaws approved by the  
29 governing board of the hospital; or

30 (III) A professional review committee established pursuant to section ~~12-43-203 (11)~~  
31 *12-245-212 (1)* if ~~said~~ THE person has signed a release authorizing ~~such~~ THE review;

32 (d) (I) A client, regardless of age:

33 (A) Makes an articulable and significant threat against a school or the occupants of  
34 a school; or

35 (B) Exhibits behaviors that, in the reasonable judgment of the licensee, registrant, or  
36 certificate holder, create an articulable and significant threat to the health or safety of  
37 students, teachers, administrators, or other school personnel.

38 (II) A licensee, registrant, or certificate holder who discloses information under this  
39 ~~paragraph (d)~~ SUBSECTION (2)(d) shall limit the disclosure to appropriate school or school

1 district personnel and law enforcement agencies. School or school district personnel to whom  
2 the information is disclosed shall maintain confidentiality of the disclosed information,  
3 regardless of whether the information constitutes an education record subject to FERPA,  
4 consistent with the requirements of FERPA and regulations and applicable guidelines  
5 adopted under FERPA, but may disclose information in accordance with section 1232g (b)(1)  
6 of FERPA and 34 CFR 99.36 if necessary to protect the health or safety of students or other  
7 persons.

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

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

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

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

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

22 (B) "FERPA" means the federal "Family Educational Rights and Privacy Act of  
23 1974", 20 U.S.C. sec. 1232g.

24 (C) "HIPAA" means the federal "Health Insurance Portability and Accountability Act  
25 of 1996", as amended, Pub.L. 104-191.

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

29 ~~(VI) Repealed.~~

30 (3) The records and information produced and used in the review provided for in  
31 ~~paragraph (c) of subsection (2)~~ SUBSECTION (2)(c) of this section do not become public  
32 records solely by virtue of the use of the records and information. The identity of a client  
33 whose records are reviewed shall not be disclosed to any person not directly involved in the  
34 review process, and procedures shall be adopted by a board, hospital, association, or society  
35 to ensure that the identity of the client is concealed during the review process itself and to  
36 comply with section ~~12-43-224(4)~~ 12-245-226 (4).

37 (4) Subsection (1) of this section shall not apply to any delinquency or criminal  
38 proceeding, except as provided in section 13-90-107 ~~C.R.S.~~, regarding any delinquency or  
39 criminal proceeding involving a licensed psychologist.

1 (5) Nothing in this section shall be deemed to prohibit any other disclosures required  
2 by law.

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

7  
8 **12-245-221. [Formerly 12-43-219] Article not to restrict other professions.**

9 (1) Nothing in this article *245* shall be construed to prohibit any member of any other  
10 profession who is duly licensed or certified pursuant to the laws of this state from rendering  
11 service consistent with his or her training and professional ethics so long as the professional  
12 does not hold himself or herself out to the public by any title or description to which ~~such~~  
13 THE professional is not entitled pursuant to the provisions of this article *245*.

14 (2) No person licensed pursuant to article ~~38~~ *255* of this title *12* shall be subject to  
15 the jurisdiction of a board created pursuant to this article *245* to the extent ~~such~~ THE person  
16 is under the jurisdiction of the state board of nursing.

17  
18 ~~**12-43-220. Data base of licensed and unlicensed psychotherapists - violation -**~~  
19 ~~**penalty - data collection - report to sunrise and sunset review committee - repeal.**~~  
20 ~~**(Repealed)**~~  
21

22 **12-245-222. [Formerly 12-43-221] Powers and duties of the boards - rules.** (1) In  
23 addition to all other powers and duties conferred and imposed upon the boards, ~~as defined~~  
24 ~~in section 12-43-201(1)~~, each board has the following powers and duties with respect to the  
25 licensing, registration, and certification of the persons licensed, registered, or certified by  
26 each individual board pursuant to this article *245*:

27 (a) To annually elect one of its members as chairperson and one as vice-chairperson.  
28 Each board may meet at such times and adopt such rules for its government as it deems  
29 proper.

30 (b) ~~(f)~~ To make investigations, hold hearings, and take evidence in accordance with  
31 SECTION 12-20-403, article 4 of title 24, C.R.S., and this article *245* in all matters relating to  
32 the exercise and performance of the powers and duties vested in each board.

33 ~~(H) Each board, or an administrative law judge acting on the board's behalf, may~~  
34 ~~administer oaths, take affirmations of witnesses, and issue subpoenas to compel the~~  
35 ~~attendance of witnesses and the production of all relevant papers, books, records,~~  
36 ~~documentary evidence, and materials in any hearing, investigation, accusation, or other~~  
37 ~~matter before the board. Each board may appoint an administrative law judge pursuant to part~~  
38 ~~10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to~~  
39 ~~the board pursuant to paragraph (e) of this subsection (1).~~

1 (HH) Upon failure of a witness to comply with a subpoena or process, the district court  
2 of the county in which the subpoenaed person or licensee resides or conducts business, upon  
3 application by the board with notice to the subpoenaed person or licensee, may issue to the  
4 person or licensee an order requiring that person or licensee to appear before the board; to  
5 produce the relevant papers, books, records, documentary evidence, or materials if so  
6 ordered; or to give evidence touching the matter under investigation or in question. The court  
7 may punish the failure to obey the order of the court as a contempt of court.  
8 <{Subparagraphs (II) and (III) redundant with *disciplinary procedures common*  
9 *provision, 12-20-403 (2) & (3).*>

10 (c) To aid the several district attorneys of this state in the enforcement of this article  
11 245 and in the prosecution of all persons, firms, associations, or corporations charged with  
12 the violation of any of its provisions and to report to the appropriate district attorney any  
13 violation of this article 245 that it reasonably believes involves a criminal violation;

14 (d) To take disciplinary actions in conformity with this article 245 AND SECTION  
15 12-20-404; <{Added reference to *disciplinary actions common provision, 12-20-404.*>

16 (e) Through the department of regulatory agencies and subject to appropriations made  
17 to the department, of regulatory agencies, to employ administrative law judges on a full-time  
18 or part-time basis to conduct any hearings required by this article The administrative law  
19 judges shall be appointed pursuant to part 10 of article 30 of title 24, C.R.S. 245.  
20 <{Redundant with *disciplinary procedures/ALJ common provision, 12-20-403 (3).*>

21 (f) To notify the public of all disciplinary actions taken against licensees, registrants,  
22 or certificate holders pursuant to this article 245.

23 (2) Pursuant to this part, SECTION 12-20-204, and article 4 of title 24, C.R.S., each  
24 board is authorized to adopt and revise rules as necessary to enable the board to carry out the  
25 provisions of this part 2 with respect to the regulation of the persons licensed, registered, or  
26 certified by each individual board pursuant to this article 245. <{Added reference to *general*  
27 *rule-making authority common provision, 12-20-204.*>

28  
29 **12-245-223. [Formerly 12-43-221.5] Confidential agreement to limit practice.**

30 (1) If a licensee, registrant, or certificate holder has a physical illness; a physical condition;  
31 or a behavioral or mental health disorder that renders the person unable to practice his or her  
32 mental health profession with reasonable skill and with safety to clients, the licensee,  
33 registrant, or certificate holder shall notify the board that regulates his or her profession of  
34 the physical illness; the physical condition; or the behavioral or mental health disorder in a  
35 manner and within a period determined by his or her oversight board. The applicable board  
36 may require the licensee, registrant, or certificate holder to submit to an examination or refer  
37 the licensee, registrant, or certificate holder to a peer health assistance program, if such  
38 program exists, to evaluate the extent of the physical illness; the physical condition; or the  
39 behavioral or mental health disorder and its impact on the licensee's, registrant's, or

1 certificate holder's ability to practice with reasonable skill and with safety to clients.

2 (2) (a) ~~Upon determining that a licensee, registrant, or certificate holder with a~~  
3 ~~physical illness; a physical condition; or a behavioral or mental health disorder is able to~~  
4 ~~render limited services with reasonable skill and with safety to clients, the applicable board~~  
5 ~~may enter into a confidential agreement with the licensee, registrant, or certificate holder in~~  
6 ~~which the licensee, registrant, or certificate holder agrees to limit his or her practice based~~  
7 ~~on the restrictions imposed by the physical illness; the physical condition; or the behavioral~~  
8 ~~or mental health disorder, as determined by the applicable board.~~

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

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

15 (3) ~~By entering into an agreement with the applicable board pursuant to this section~~  
16 ~~to limit his or her practice, the licensee, registrant, or certificate holder is not engaging in~~  
17 ~~activities prohibited pursuant to section 12-43-222. The agreement does not constitute a~~  
18 ~~restriction or discipline by the applicable board. However, if the licensee, registrant, or~~  
19 ~~certificate holder fails to comply with the terms of an agreement entered into pursuant to this~~  
20 ~~section, the failure constitutes a prohibited activity pursuant to section 12-43-222 (1)(f), and~~  
21 ~~the licensee, registrant, or certificate holder is subject to discipline in accordance with section~~  
22 ~~12-43-223.~~

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

25 SECTION 12-30-107 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE  
26 APPLIES TO THIS ARTICLE 245. <{Redundant with confidential agreement common  
27 provision, 12-30-107.}>

29 **12-245-224. [Formerly 12-43-222] Prohibited activities - related provisions.** (1) A  
30 person licensed, registered, or certified under this article 43 245 violates this article 43 245  
31 if he or she THE PERSON:

32 (a) Has been convicted of or pled guilty or nolo contendere to a felony or received  
33 a deferred sentence to a felony charge. A certified copy of the judgment of a court of  
34 competent jurisdiction of ~~such~~ THE conviction or plea is conclusive evidence of the  
35 conviction or plea. In considering the disciplinary action, each board is governed by section  
36 SECTIONS 12-20-202 (5) AND 24-5-101. C.R.S. <{Added reference to consideration of  
37 criminal convictions common provision, 12-20-202 (5).}>

38 (b) Has violated or attempted to violate, directly or indirectly, or assisted or abetted  
39 the violation of, or conspired to violate any provision or term of this article 245 or rule

1 promulgated pursuant to this article ~~245~~ or any order of a board established pursuant to this  
2 article ~~245~~;

3 (c) Has used advertising that is misleading, deceptive, or false;

4 (d) (I) Has committed abuse of health insurance pursuant to section 18-13-119;  
5 ~~€:R:S.;~~

6 (II) Has advertised through newspapers, magazines, circulars, direct mail, directories,  
7 radio, television, or otherwise that the person will perform any act prohibited by section  
8 18-13-119; ~~€:R:S.;~~

9 (e) Habitually or excessively uses or abuses alcohol, a habit-forming drug, or a  
10 controlled substance, as defined in section 18-18-102 (5); ~~€:R:S.;~~

11 (f) (I) Fails to notify the board that regulates ~~his or her~~ THE PERSON'S profession, AS  
12 REQUIRED BY SECTION 12-30-107 (1), of a physical illness; a physical condition; or a  
13 behavioral, mental health, or substance use disorder that affects the person's ability to treat  
14 clients with reasonable skill and safety or that may endanger the health or safety of persons  
15 under his or her care;

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

20 (III) Fails to comply with the limitations agreed to under a confidential agreement  
21 entered pursuant to ~~section 12-43-221.5~~ SECTIONS 12-30-107 AND 12-245-223;

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

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

31 (h) Has performed services outside of ~~such~~ THE person's area of training, experience,  
32 or competence;

33 (i) Has maintained relationships with clients that are likely to impair ~~such~~ THE  
34 person's professional judgment or increase the risk of client exploitation, such as treating  
35 employees, supervisees, close colleagues, or relatives;

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

39 (k) Has failed to terminate a relationship with a client when it was reasonably clear



1 that the client was not benefitting from the relationship and is not likely to gain such benefit  
2 in the future;

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

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

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

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

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

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

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

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

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

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

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

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

32 (IV) Using or recommending rebirthing or any therapy technique that may be  
33 considered similar to rebirthing as a therapeutic treatment. "Rebirthing" means the  
34 reenactment of the birthing process through therapy techniques that involve any restraint that  
35 creates a situation in which a patient may suffer physical injury or death. For the purposes  
36 of this ~~subparagraph (IV)~~ SUBSECTION (1)(t)(IV), a parent or legal guardian may not consent  
37 to physical, chemical, or mechanical restraint on behalf of a child or ward.

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

1 (v) Has committed a fraudulent insurance act, as set forth in section 10-1-128; ~~C.R.S.~~;  
2 (w) Has sold or fraudulently obtained or furnished a license, registration, or  
3 certification to practice as a psychologist, social worker, marriage and family therapist,  
4 licensed professional counselor, psychotherapist, or addiction counselor or has aided or  
5 abetted in ~~such~~ THOSE activities; or

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

8 (2) A disciplinary action relating to a license, registration, or certification to practice  
9 a profession licensed, registered, or certified under this article **245** or any related occupation  
10 in any other state, territory, or country for disciplinary reasons constitutes prima facie  
11 evidence of grounds for disciplinary action, including denial of licensure, registration, or  
12 certification, by a board. This subsection (2) applies only to disciplinary actions based upon  
13 acts or omissions in ~~such~~ THE other state, territory, or country substantially similar to those  
14 acts or omissions set out as grounds for disciplinary action pursuant to subsection (1) of this  
15 section.

16  
17 **12-245-225. [Formerly 12-43-223] Authority of boards - cease-and-desist orders**  
18 **- rules.** (1) (a) If a licensee, registrant, or certificate holder violates any provision of section  
19 ~~12-43-222~~ **12-245-224**, the board that licenses, registers, or certifies the licensee, registrant,  
20 or certificate holder may, IN ACCORDANCE WITH SECTION 12-20-404:

21 ~~(H) (a) Deny, revoke, or suspend the person's license, registration, or certification~~  
22 ~~ISSUE AND SEND, BY CERTIFIED MAIL, A LETTER OF ADMONITION TO A LICENSEE, REGISTRANT,~~  
23 ~~OR CERTIFICATE HOLDER UNDER THE CIRCUMSTANCES SPECIFIED IN AND IN ACCORDANCE WITH~~  
24 ~~SECTION 12-20-404 (4);~~

25 ~~(H) (b) Deny, revoke, or suspend the listing of a registered psychotherapist in the state~~  
26 ~~board of registered psychotherapists database PLACE A LICENSEE, REGISTRANT, OR~~  
27 ~~CERTIFICATE HOLDER ON PROBATION;~~

28 ~~(H) (c) Issue a letter of admonition to a licensee, registrant, or certificate holder~~  
29 ~~DENY, REVOKE, OR SUSPEND THE PERSON'S LICENSE, REGISTRATION, OR CERTIFICATION;~~

30 ~~(IV) (d) Issue a confidential letter of concern to a licensee, registrant, or certificate~~  
31 ~~holder DENY, REVOKE, OR SUSPEND THE LISTING OF A REGISTERED PSYCHOTHERAPIST IN THE~~  
32 ~~STATE BOARD OF REGISTERED PSYCHOTHERAPISTS DATABASE;~~

33 ~~(V) (e) Place a licensee, registrant, or certificate holder on probation ISSUE AND SEND~~  
34 ~~A CONFIDENTIAL LETTER OF CONCERN TO A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER~~  
35 ~~UNDER THE CIRCUMSTANCES SPECIFIED IN SECTION 12-20-404 (5); or~~

36 <{**Reordered above to follow order in 12-20-404, per stakeholder feedback. Also added**  
37 **reference to disciplinary actions common provision, 12-20-404, in the introductory portion**  
38 **rather than including in each paragraph.**>

39 ~~(VI) (f) Apply for an injunction pursuant to section ~~12-43-227~~ **12-245-230** to enjoin~~

1 a licensee, registrant, or certificate holder from practicing the profession for which the person  
2 is licensed, registered, or certified under this article **245**.

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

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

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

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

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

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

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

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

1 of parties to the matter, and legal issues presented in the matter, but in no event shall the  
2 hearing commence later than sixty calendar days after the date of transmission or service of  
3 the notification.

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

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

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

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

28 (7) ~~If any person fails to comply with a final cease-and-desist order or a stipulation,~~  
29 ~~a board may request the attorney general or the district attorney for the judicial district in~~  
30 ~~which the alleged violation exists to bring, and if so requested such attorney shall bring, suit~~  
31 ~~for a temporary restraining order and for injunctive relief to prevent any further or continued~~  
32 ~~violation of the final order.~~

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

35 (3) ~~A BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES AND~~  
36 ~~IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. <{Subsections (4)~~  
37 ~~to (8) redundant with *cease-and-desist common provision, 12-20-405.*>~~

38 **12-245-226.** [Formerly 12-43-224] **Disciplinary proceedings - judicial review -**  
39

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

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

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

24 (b) A licensee, registrant, or certificate holder who holds more than one license,  
25 registration, or certification pursuant to this article **245**, who has committed any act or failed  
26 to act pursuant to the grounds established in section ~~12-43-222~~ 12-245-224 or ~~12-43-226~~  
27 12-245-228, is subject to disciplinary action by all boards that license, register, or certify the  
28 person pursuant to this article **245**. The findings, conclusions, and final agency order of the  
29 first board to take disciplinary action pursuant to this section against the licensee, registrant,  
30 or certificate holder, or any disciplinary action taken by the state grievance board as it existed  
31 prior to July 1, 1998, is prima facie evidence against the person in any subsequent  
32 disciplinary action taken by another board concerning the same act or series of acts.

33 (c) If a licensee, registrant, or certificate holder who applies for a license, registration,  
34 or certification pursuant to this article **245** has been disciplined by any board created pursuant  
35 to this article **245**, or the state grievance board as it existed prior to July 1, 1998, the findings,  
36 conclusions, and final agency order of the first board to take disciplinary action pursuant to  
37 this section against the licensee, registrant, or certificate holder is prima facie evidence  
38 against the person in any subsequent application made for a license, registration, or  
39 certification to any other board created pursuant to this article **245**.



1           (2) (a) Disciplinary proceedings shall be conducted in the manner prescribed by the  
2 "State Administrative Procedure Act", article 4 of title 24, ~~€R.S.~~ AND SECTION 12-20-403.  
3 <{*Added reference to disciplinary procedures common provision, 12-20-403.*}>

4           (b) Each board, through the department, ~~of regulatory agencies,~~ may employ  
5 administrative law judges, on a full-time or part-time basis, to conduct hearings as provided  
6 by this article 245 or on any matter within the board's jurisdiction upon such conditions and  
7 terms as ~~such~~ THE board may determine. A board may elect to refer a case for formal hearing  
8 to an administrative law judge, with or without an assigned advisor from ~~such~~ THE board. If  
9 a board so elects to refer a case with an assigned advisor and ~~such~~ THE advisor is a member  
10 of the board, the advisor shall be excluded from ~~such~~ THE board's review of the decision of  
11 the administrative law judge. The advisor shall assist the administrative law judge in  
12 obtaining and interpreting data pertinent to the hearing.

13           (c) (I) Except as provided in ~~subparagraph (II) of this paragraph (c)~~ SUBSECTION  
14 (2)(c)(II) OF THIS SECTION, a board shall not deny, revoke, or suspend a licensee's,  
15 registrant's, or certificate holder's right to use a title and shall not place a licensee, registrant,  
16 or certificate holder on probation pursuant to the grounds established in sections ~~12-43-222~~  
17 12-245-224 and ~~12-43-226~~ 12-245-228 until a hearing has been conducted if required  
18 pursuant to section 24-4-105. ~~€R.S.~~ <{*Note to Revisor: in this context, I decided to*  
19 *remove cross-reference to 12-20-403 because this refers to conducting a hearing "if*  
20 *required pursuant to section 24-4-105. Sec. 12-20-403 doesn't "require" a hearing.*}>

21           (II) The board that licenses, registers, or certifies a licensee, registrant, or certificate  
22 holder pursuant to this article ~~43~~ 245 may summarily suspend the person's license,  
23 registration, or certification, subject to the limitation of section 24-4-104, under the following  
24 circumstances:

- 25           (A) In emergency situations, as provided for by section 24-4-104; ~~€R.S.~~;
- 26           (B) The licensee, registrant, or certificate holder has been adjudicated by a court of  
27 competent jurisdiction as a person who is gravely disabled, a person who is mentally  
28 incompetent, or a person who is insane; is a person who has a mental health disorder; or is  
29 a person who has an intellectual and developmental disability; or
- 30           (C) The licensee, registrant, or certificate holder violates ~~paragraph (c) of this~~  
31 ~~subsection (2)~~ SUBSECTION (2)(d) OF THIS SECTION.

32           (d) (I) If a board has reasonable cause to believe that a licensee, registrant, or  
33 certificate holder whom the board licenses, registers, or certifies pursuant to this article 245  
34 is unable to practice with reasonable skill and safety to patients, the board may require the  
35 licensee, registrant, or certificate holder to submit to mental or physical examinations  
36 designated by the board. Upon the failure of the licensee, registrant, or certificate holder to  
37 submit to a mental or physical examination, and unless the person shows good cause for ~~such~~  
38 THE failure, the board may act pursuant to ~~paragraph (c) of this subsection (2)~~ SUBSECTION  
39 (2)(c) OF THIS SECTION or enjoin a licensee, registrant, or certificate holder pursuant to



1 section ~~12-43-227~~ 12-245-230 until the person submits to the required examinations.

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

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

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

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

17 (H) Any person whose license, registration, or certification to practice is revoked is  
18 ineligible to apply for any license, registration, or certification issued under this article for  
19 at least three years after the date of surrender of the license, registration, or certification. Any  
20 reapplication after such three-year period is treated as a new application. <{Redundant with

21 waiting period common provision, 12-20-404 (3)(a)(III)(B), which specifically addresses

22 the 3-year waiting period for mental health professionals.}>  
23 (b) ~~Suspension of a license, registration, or certification.~~ Suspension of a license,  
24 registration, or certification by the board that licenses, registers, or certifies such THE  
25 licensee, registrant, or certificate holder pursuant to this article is for a period to be  
26 determined by the applicable board.

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

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

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

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

1 (IV) The imposition of restrictions upon the nature of the person's practice to assure  
2 that ~~he or she~~ THE PERSON does not practice beyond the limits of ~~his or her~~ THE PERSON'S  
3 capabilities.

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

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

14 ~~(HH) If the request for adjudication is timely made, the letter of admonition is vacated~~  
15 ~~and the matter shall be processed by means of formal disciplinary proceedings. \_\_\_\_\_~~

16 ~~(e) (b) Issuance of confidential letters of concern. When a complaint or~~  
17 ~~investigation discloses an instance of conduct that does not warrant formal action by the~~  
18 ~~board but indicates to the board conduct by the licensee, registrant, or certificate holder that~~  
19 ~~could lead to serious consequences if not corrected, the A board may issue and send to the~~  
20 ~~A licensee, registrant, or certificate holder a confidential letter of concern IN ACCORDANCE~~  
21 ~~WITH SECTION 12-20-404 (5). The letter must advise the licensee, registrant, or certificate~~  
22 ~~holder that the board is concerned about a complaint it received about the licensee, registrant,~~  
23 ~~or certificate holder and must specify what action, if any, the licensee, registrant, or~~  
24 ~~certificate holder should take to assuage the board's concern. Confidential letters of concern~~  
25 ~~are confidential, and the board shall not disclose the existence of ~~such a~~ THE letter or its~~  
26 ~~contents to members of the public or in any court action unless the board is a party to the~~  
27 ~~action. <{Some redundancy with confidential letters of concern common provision,~~  
28 ~~12-20-404 (5).}>~~

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

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

37 (b) The exemption from the open records law specified in paragraph (a) of this  
38 subsection (4) SUBSECTION (4)(a) OF THIS SECTION does not apply:

39 (I) When a decision to proceed with a disciplinary action has been agreed upon by a

1 majority of the members of the applicable board and a notice of formal complaint is drafted  
2 and served on the licensee, registrant, or certificate holder by first-class mail; or

3 (II) Upon final agency action.

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

7 (5) SECTION 12-20-408 GOVERNS JUDICIAL REVIEW OF final board actions and orders  
8 appropriate for judicial review. ~~may be judicially reviewed in the court of appeals, and~~  
9 Judicial proceedings for the enforcement of a board order may be instituted in accordance  
10 with section 24-4-106 (11). C.R.S. <{Redundant with judicial review common provision,  
11 12-20-408.}>

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

13 ~~(7)~~ (6) Any board member having an immediate personal, private, or financial interest  
14 in any matter pending before the board shall disclose the fact to the board and shall not vote  
15 upon ~~such~~ THE matter.

16 ~~(8)~~ (7) Any licensee, registrant, or certificate holder against whom a malpractice  
17 claim is settled or a judgment rendered in a court of competent jurisdiction shall notify the  
18 board that licenses, registers, or certifies the licensee, registrant, or certificate holder pursuant  
19 to this article **245** of the judgment or settlement within sixty days after the disposition.

20 ~~(9)~~ (8) Any licensee, registrant, or certificate holder who has direct knowledge that  
21 a licensee, registrant, or certificate holder has violated section ~~12-43-222~~ 12-245-224 or  
22 ~~12-43-226~~ 12-245-228 has a duty to report the violation to the board that licenses, registers,  
23 or certifies the licensee, registrant, or certificate holder pursuant to this article **245** unless  
24 reporting the violation would violate the prohibition against disclosure of confidential  
25 information without client consent pursuant to section ~~12-43-218~~ 12-245-220.

26  
27 **12-245-227. [Formerly 12-43-225] Reconsideration and review of action of a**  
28 **board.** A board, on its own motion or upon application, at any time after the imposition of  
29 any discipline as provided in section ~~12-43-224~~ 12-245-226, may reconsider its prior action  
30 and reinstate or restore ~~such~~ THE license, registration, or certification; terminate probation;  
31 or reduce the severity of its prior disciplinary action. The board has sole discretion to  
32 determine whether to take further action or hold a hearing with respect to its prior  
33 disciplinary action.

34  
35 **12-245-228. [Formerly 12-43-226] Unauthorized practice - penalties.**

36 ~~(1) Repeated.~~

37 ~~(2)~~ (1) Any person who practices or offers or attempts to practice as a psychologist,  
38 social worker, marriage and family therapist, licensed professional counselor,  
39 psychotherapist, or addiction counselor without an active license, registration, or certification

1 issued under this article ~~commits a class 2 misdemeanor and shall be punished as provided~~  
2 ~~in section 18-1.3-501, C.R.S., for the first offense. Any person who commits a second or any~~  
3 ~~subsequent offense commits a class 6 felony and shall be punished as provided in section~~  
4 ~~18-1.3-401, C.R.S. 245 IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a).~~  
5 <{Redundant with unauthorized practice common provision, 12-20-407 (1)(a).}>

6 ~~(3) Repeated.~~

7 ~~(4)~~ (2) No action may be maintained for the breach of a contract involving the  
8 unlawful practice of psychology, social work, professional counseling, marriage and family  
9 therapy, addiction counseling, or psychotherapy or for the recovery of compensation for  
10 services rendered under such a contract.

11 ~~(5)~~ (3) When an individual has been the recipient of services prohibited by this article  
12 **245**, whether or not ~~such~~ THE person knew that the rendition of the services were unlawful:

13 (a) ~~Such~~ THE person or ~~such~~ THE person's personal representative is entitled to  
14 recover the amount of any fee paid for the services; and

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

17  
18 **12-245-229. [Formerly 12-43-226.5] Licensee duties relating to assistance animals**  
19 **- definitions.** (1) A licensee who is approached by a patient seeking an assistance animal as  
20 a reasonable accommodation in housing shall either:

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

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

26 (2) This section does not:

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

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

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

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

36 (a) Has met with the patient in person;

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

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

39 (4) For purposes of this section:

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

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

9 (c) "Service animal" has the same meaning as set forth in the implementing  
10 regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990",  
11 42 U.S.C. sec. 12101 et seq.

12  
13 **12-245-230. [Formerly 12-43-227] Injunctive proceedings.** (1) A board may in the  
14 name of the people of the state of Colorado, through the attorney general of the state of  
15 Colorado, apply for an injunction in any court of competent jurisdiction ACCORDANCE WITH  
16 SECTION 12-20-406, BUT ONLY TO ENJOIN:

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

19 (b) To enjoin A licensee, registrant, or certificate holder regulated by that board from  
20 practicing the profession for which the person is licensed, registered, or certified under this  
21 article **245** if the person has violated section ~~12-43-224 (2)(d)~~ **12-245-226 (2)(d)** or  
22 ~~12-43-222~~ **12-245-224**.

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

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

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

31 (4) ~~When seeking an injunction under this section, a board is not required to allege~~  
32 ~~or prove either that an adequate remedy at law does not exist or that substantial or irreparable~~  
33 ~~damage would result from a continued violation. <{Some redundancy with injunctive relief~~  
34 ~~common provision, 12-20-406.}>~~

35  
36 **12-245-231. [Formerly 12-43-227.5] Mental health professional peer health**  
37 **assistance program - fees - administration - rules.** (1) (a) On and after July 1, 2012, as a  
38 condition of licensure, registration, or certification and renewal in this state, every person  
39 applying for a new license, registration, or certification or to renew his or her license,



1 registration, or certification shall pay a fee, for use by the administering entity selected by the  
2 director pursuant to this subsection (1), in an amount not to exceed twenty-five dollars per  
3 application for a new or to renew a license, registration, or certification. The director shall  
4 annually review the fee and program usage level and adjust the fee amount based on program  
5 usage, but the director shall not adjust the fee to an amount in excess of twenty-five dollars.  
6 The division shall forward the fee to the chosen administering entity for use in supporting  
7 designated providers selected to provide assistance to licensees, registrants, or certificate  
8 holders needing help in dealing with physical, emotional, or psychological conditions that  
9 may be detrimental to their ability to practice their mental health profession.

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

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

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

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

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

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

30 (VI) Agree to receive referrals from the board;

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

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

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



1 professional education, mental health research and science, and other mental health charitable  
2 purposes.

3 (d) The administering entity shall:

4 (I) Distribute the ~~moneys~~ MONEY collected by the division, less expenses, to the  
5 designated provider, as directed by the director;

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

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

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

19 (2) (a) Any mental health professional who is referred by the applicable board to a  
20 peer health assistance program shall enter into a stipulation with the board pursuant to section  
21 ~~12-43-223(6)~~ 12-20-405(3) before participating in the program. The agreement must contain  
22 specific requirements and goals to be met by the participant, including the conditions under  
23 which the program will be successfully completed or terminated, and a provision that a  
24 failure to comply with the requirements and goals is to be promptly reported to the board and  
25 that ~~such~~ THE failure will result in disciplinary action by the board. Upon notice from the peer  
26 health assistance program that a mental health professional has successfully completed the  
27 program, the board that regulates the professional shall reinstate the professional's license,  
28 registration, or certification.

29 (b) Notwithstanding sections ~~12-43-223, 12-43-224~~ 12-245-225, 12-245-226, and  
30 24-4-104, ~~C.R.S.~~, the applicable board may immediately suspend the license of any mental  
31 health professional who is referred to a peer health assistance program by the board and who  
32 fails to attend or to complete the program. If the mental health professional objects to the  
33 suspension, he or she may submit a written request to the board for a formal hearing on the  
34 suspension within ten days after receiving notice of the suspension, and the board shall grant  
35 the request. In the hearing, the mental health professional bears the burden of proving that  
36 his or her license, registration, or certification should not be suspended.

37 (c) Any mental health professional who self-refers and is accepted into a peer health  
38 assistance program shall affirm that, to the best of his or her knowledge, information, and  
39 belief, he or she knows of no instance in which he or she has violated this article **245** or the

1 rules of the board, except in those instances affected by the mental health professional's  
2 physical, emotional, or psychological conditions.

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

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

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

21  
22 **12-245-232. [Formerly 12-43-228] Minimum standards for testing.** (1) Every  
23 person licensed, registered, or certified under this article ~~43~~ **245** must meet the minimum  
24 professional preparation standards set forth in this section to engage in the administration,  
25 scoring, or interpretation of the following levels of psychometric or electrodiagnostic testing:

26 (a) **General use.** There is no educational or experience minimum necessary for a  
27 licensee, registrant, or certificate holder to administer standardized personnel selection,  
28 achievement, general aptitude, or proficiency tests.

29 (b) **Technical use.** A master's degree in anthropology, psychology, counseling,  
30 marriage and family therapy, social work, or sociology from a regionally accredited  
31 university or college certified by the accrediting agency or body to award graduate degrees  
32 and completion of at least one graduate level course each in statistics, psychometric  
33 measurement, theories of personality, individual and group test administration and  
34 interpretation, and psychopathology is required in order to administer, score, or interpret tests  
35 that require technical knowledge of test construction and use or require the application of  
36 scientific and psychophysiological knowledge. ~~Such~~ THE tests include, but are not limited  
37 to, tests of general intelligence, special aptitudes, temperament, values, interests, and  
38 personality inventories.

39 (c) **Advanced use.** A licensee, registrant, or certificate holder must meet all the

1 requirements of subsection (1)(b) of this section and, in addition, completion, at a regionally  
2 accredited university or college certified by the accrediting agency or body to award graduate  
3 degrees, of at least one graduate-level course in six of the following areas: Cognition,  
4 emotion, attention, sensory-perceptual function, psychopathology, learning, encephalopathy,  
5 neuropsychology, psychophysiology, personality, growth and development, projective  
6 testing, and neuropsychological testing and completion of one year of experience in advanced  
7 use practice under the supervision of a person fully qualified under this subsection (1)(c) in  
8 order to practice projective testing, neuropsychological testing, or use of a battery of three  
9 or more tests to:

10 (I) Determine the presence, nature, causation, or extent of psychosis, dementia  
11 diseases and related disabilities, amnesia, cognitive impairment, influence of deficits on  
12 competence, and ability to function adaptively;

13 (II) Determine the etiology or causative factors contributing to psychological  
14 dysfunction, criminal behavior, vocational disability, neurocognitive dysfunction, or  
15 competence; or

16 (III) Predict the psychological responses to specific medical, surgical, and behavioral  
17 interventions.

18 (2) The board licensing, registering, or certifying any person violating this section  
19 may bring disciplinary proceedings or injunctive proceedings against the person pursuant to  
20 section ~~12-43-224~~ 12-245-226 or ~~12-43-227~~ 12-245-230.

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

23  
24 **12-245-233. [Formerly 12-43-228.5] Auricular acudetox by mental health**  
25 **professionals - training - definition.** (1) A mental health care professional who has  
26 provided documentation that he or she has been trained to perform auricular acudetox in  
27 accordance with subsection (4) of this section may perform auricular acudetox if the auricular  
28 acudetox is performed under the mental health care professional's current scope of practice,  
29 and the mental health professional is:

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

32 or

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

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

37 (3) As used in this section "auricular acudetox" means the subcutaneous insertion of  
38 sterile, disposable acupuncture needles in the following five consistent, predetermined  
39 bilateral locations:

- 1 (a) Sympathetic;
- 2 (b) Shen men;
- 3 (c) Kidney;
- 4 (d) Liver; and
- 5 (e) Lung.

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

11  
12 **12-245-234.** [Formerly 12-43-229] **Repeal of article.** ~~(†)~~ This article 245 is  
13 repealed, effective September 1, 2020. ~~Prior to such~~ BEFORE ITS repeal, all of the boards  
14 relating to the licensing, registration, or certification of and grievances against any person  
15 licensed, registered, or certified pursuant to this article ~~shall be reviewed as provided for in~~  
16 **245** ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

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

20 PART 3  
21 PSYCHOLOGISTS

22  
23 **12-245-301. [Formerly 12-43-301] Definitions.** As used in this part 3, unless the  
24 context otherwise requires:

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

28 ~~(†.5)~~ (2) "Approved school" means any university or other institution of higher  
29 education offering a full-time graduate course of study in psychology and having programs  
30 approved by the American psychological association or the board.

31 ~~(2)~~ (3) "Board" means the state board of psychologist examiners created by section  
32 ~~12-43-302 (1)~~ **12-245-302 (1).**

33 ~~(3) Repealed.~~

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

35 <{**Redundant with common definitions provision, 12-20-102 (9).**}>

36 ~~(5) Repealed.~~

37 ~~(6)~~ (4) "Licensed psychologist" means a person licensed under this part 3.

38 ~~(7) Repealed.~~

39 ~~(8)~~ (5) "Professional psychological training program" means a doctoral training

1 program that:

2 (a) Is a planned program of study that reflects an integration of the science and  
3 practice of psychology; and

4 (b) For applicants receiving their terminal degrees after 1990, is designated as a  
5 doctoral program in psychology by the Association of State and Provincial Psychology  
6 Boards or the National Register of Health Service ~~providers in psychology~~ PSYCHOLOGISTS,  
7 or is accredited by the American Psychological Association or Canadian Psychological  
8 Association. <{**Correcting name of National Register of Health Service Psychologists.**}>

9 (9) (6) "Telepsychology" means the provision of psychological services using  
10 telecommunications technologies.

11  
12 **12-245-302. [Formerly 12-43-302] State board of psychologist examiners.**

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

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

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

24 (b) Three board members must be representatives of the general public, one of whom  
25 may be a mental health consumer or family member of a mental health consumer. These  
26 individuals must have never been psychologists, applicants or former applicants for licensure  
27 as psychologists, members of another mental health profession, or members of households  
28 that include psychologists or members of another mental health profession or otherwise have  
29 conflicts of interest or the appearance of ~~such~~ conflicts with their duties as board members.

30 ~~(3) (Deleted by amendment, L. 2007, p. 130, § 1, effective August 3, 2007.)~~

31 ~~(4) (3) (a)~~ Each board member shall hold office until the expiration of ~~such~~ THE  
32 member's appointed term or until a successor is duly appointed. Except as specified in  
33 ~~paragraph (b) of this subsection (4) SUBSECTION (3)(b) OF THIS SECTION,~~ the term of each  
34 member shall be four years, and no board member shall serve more than two full consecutive  
35 terms. Any vacancy occurring in board membership other than by expiration of a term shall  
36 be filled by the governor by appointment for the unexpired term of ~~such~~ THE member.

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

39 (I) The second term of office of the licensed psychologist board member and one of

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

6 (II) The initial term of office of the one board member representing the general public  
7 whose initial term would otherwise expire on June 30, 2009, shall expire on May 31, 2009,  
8 and the board member is eligible to serve one additional four-year term commencing on June  
9 1, 2009, and expiring on May 31, 2013. On and after the expiration of this board member's  
10 term or a vacancy in this position, the governor shall appoint a licensed psychologist to this  
11 position on the board, who is eligible to serve terms as described in ~~paragraph (a) of this~~  
12 ~~subsection (4)~~ SUBSECTION (3)(a) OF THIS SECTION commencing on June 1 of the applicable  
13 year.

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

21 (IV) The initial terms of office of the remaining licensed psychologist board member  
22 and the other board member representing the general public, whose initial terms would  
23 otherwise expire on June 30, 2010, shall expire on May 31, 2010. Each of these board  
24 members shall be eligible to serve one additional four-year term commencing on June 1,  
25 2010, and expiring on May 31, 2014. On and after the expiration of these board members'  
26 terms, persons appointed to these positions on the board shall serve terms as described in  
27 ~~paragraph (a) of this subsection (4)~~ SUBSECTION (3)(a) OF THIS SECTION commencing on June  
28 1 of the applicable year.

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

34 ~~(5)~~ (4) The governor may remove any board member for misconduct, incompetence,  
35 or neglect of duty after giving the board member a written statement of the charges and an  
36 opportunity to be heard thereon. Actions constituting neglect of duty shall include, but not  
37 be limited to, the failure of board members to attend three consecutive meetings or at least  
38 three quarters of the total meetings in any calendar year.

39 ~~(6)~~ (5) Each board member shall receive a certificate of appointment from the



1 governor.

2  
3 **12-245-303. [Formerly 12-43-303] Practice of psychology defined.** (1) For the  
4 purposes of this part 3, the "practice of psychology" means the observation, description,  
5 evaluation, interpretation, or modification of human behavior by the application of  
6 psychological principles, methods, or procedures, for the purpose of:

7 (a) Preventing, eliminating, evaluating, assessing, or predicting symptomatic,  
8 maladaptive, or undesired behavior;

9 (b) Evaluating, assessing, or facilitating the enhancement of individual, group, or  
10 organizational effectiveness, including personal effectiveness, adaptive behavior,  
11 interpersonal relationships, work and life adjustment, health, and individual, group, or  
12 organizational performance; or

13 (c) Providing clinical information to be utilized in legal proceedings.

14 (2) The practice of psychology includes:

15 (a) Psychological testing and the evaluation or assessment of personal characteristics  
16 such as intelligence; personality; cognitive, physical, or emotional abilities; skills; interests;  
17 aptitudes; and neuropsychological functioning;

18 (b) Counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior  
19 analysis and therapy;

20 (c) Diagnosis, treatment, and management of behavioral, mental, or emotional health  
21 disorders or disabilities; substance use disorders; and disorders of habit or conduct, as well  
22 as of the psychological aspects of physical illness, accident, injury, or disability;

23 (d) Psychoeducational evaluation, therapy, and remediation;

24 (e) Consultation with physicians, other health care professionals, and patients  
25 regarding all available treatment options with respect to provision of care for a specific  
26 patient or client;

27 (f) The provision of direct services to individuals or groups for the purpose of  
28 enhancing individual and thereby organizational effectiveness, using psychological  
29 principles, methods, or procedures to assess and evaluate individuals on personal  
30 characteristics for individual development or behavior change or for making decisions about  
31 the individual, such as selection; and

32 (g) The supervision of any of the practices described in this subsection (2).

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

35 (3) Psychological services may be rendered to individuals, families, groups,  
36 organizations, institutions, the public, and the courts.

37 (4) The practice of psychology shall be construed within the meaning of this  
38 definition without regard to whether payment is received for services rendered.

1           **12-245-304. [Formerly 12-43-304] Qualifications - examinations - licensure.**

2 (1) The board shall issue a license as a psychologist to each applicant who files an  
3 application in a form and manner required by the board, submits the fee required by the board  
4 pursuant to section ~~12-43-204~~ 12-245-205, and furnishes evidence satisfactory to the board  
5 that ~~he or she~~ THE APPLICANT:

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

7           (b) Is not in violation of any provision of this article **245** or any rules promulgated by  
8 the board;

9           (c) Has completed a doctorate degree with a major in psychology, or the equivalent  
10 to ~~such~~ THAT major as determined by the board, from an approved school;

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

13           (e) Demonstrates professional competence by passing a single, written examination  
14 in psychology as prescribed by the board and a jurisprudence examination administered by  
15 the division.

16           ~~(1.5)~~ (2) (a) The examination by the board described in ~~paragraph (e) of subsection~~  
17 ~~(1)~~ SUBSECTION (1)(e) of this section shall be given not less than twice per  
18 year at such time and place and under such supervision as the board may determine.

19           (b) The examination shall test for knowledge of the following three areas:

20           (I) General psychology;

21           (II) Clinical and counseling psychology; and

22           (III) Application of the practice of clinical and counseling psychology, including  
23 knowledge of appropriate statutes and professional ethics.

24           (c) The board or its designated representatives shall administer and determine the pass  
25 or fail status of the examination and take any actions necessary to ensure impartiality. The  
26 board shall determine the passing score for the examination based upon a level of minimum  
27 competency to engage in the practice of psychology.

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

29           ~~(7)~~ (3) (a) The board shall register as a psychologist candidate a person who files an  
30 application for registration, accompanied by the fee required by section ~~12-43-204~~  
31 12-245-205, and who:

32           (I) Submits evidence satisfactory to the board that ~~he or she~~ THE PERSON has met the  
33 requirements of ~~paragraphs (a), (b), and (c) of subsection (1)~~ SUBSECTIONS (1)(a), (1)(b), AND  
34 (1)(c) of this section; and

35           (II) Has not been previously registered as a psychologist candidate by the board.

36           (b) A psychologist candidate registered pursuant to this subsection ~~(7)~~ (3) is under  
37 the jurisdiction of the state board of psychologist examiners. The psychologist candidate  
38 may, but is not required to, register with the database of registered psychotherapists pursuant  
39 to section ~~12-43-702.5~~ 12-245-703. If the requirements of ~~paragraphs (d) and (e) of~~

1 ~~subsection (1)~~ SUBSECTIONS (1)(d) AND (1)(e) of this section are not met within four years,  
2 the registration of the psychologist candidate expires and is not renewable unless the board,  
3 in its discretion, grants the candidate an extension. A person whose psychologist candidate  
4 registration expires is not precluded from applying for licensure or registration with any other  
5 mental health board for which the person is qualified.

6  
7 **12-245-305. [Formerly 12-43-305] Rights and privileges of licensure.** (1) Any  
8 person who possesses a valid, unsuspended, and unrevoked license as a licensed psychologist  
9 has the right to:

- 10 (a) Engage in the private, independent practice of psychology;
- 11 (b) Practice and supervise psychology practice; and
- 12 (c) Use the title "psychologist" and the terms "psychology" and "psychological". No  
13 other person may assume these titles or use these terms on any work or letter, sign, figure,  
14 or device to indicate that the person using ~~such~~ THE title or terms is a licensed psychologist.

15 (2) Any person duly licensed as a psychologist shall not be required to obtain any  
16 other license or certification to practice psychology ~~as defined in section 12-43-303~~ unless  
17 otherwise required by the board.

18  
19 **12-245-306. [Formerly 12-43-306] Exemptions.** (1) Nothing in this part 3 shall be  
20 construed to prevent the teaching of psychology, or the conduct of psychological research,  
21 if the teaching or research does not involve the delivery or supervision of direct  
22 psychological services to individuals who are themselves, rather than a third party, the  
23 intended beneficiaries of the services without regard to the source or extent of payment for  
24 services rendered. Nothing in this part 3 prevents the provision of expert testimony by  
25 psychologists who are exempted by this part 3. A person who has completed an earned  
26 doctoral degree in psychology from an approved school may use the title "psychologist" in  
27 conjunction with the activities permitted in this subsection (1).

28 (2) Nothing in this part 3 shall be construed to prevent members of other professions  
29 licensed under the laws of this state from rendering services within the scope of practice as  
30 set out in the statutes regulating their professional practices so long as they do not represent  
31 themselves to be psychologists or their services as psychological.

32 (3) The use of the title "psychologist" may be continued by an unlicensed person who,  
33 as of July 1, 1982, is employed by a state, county, or municipal agency or by other political  
34 subdivisions or any educational institution chartered by the state, but only so long as ~~such~~  
35 THE person remains in the employment of the same institution or agency and only in the  
36 course of conducting duties for ~~such~~ THE agency or institution.

37 (4) Nothing in this part 3 shall be construed to limit the use of an official title on the  
38 part of any doctoral level graduate of a research psychology program or an industrial or  
39 organizational psychology program from a regionally accredited university while engaged

1 in the conduct of psychological research or the provision of psychological consultation to  
2 organizations or institutions if ~~such~~ THE services do not include the clinical practice of  
3 psychology.

4 (5) Nothing in this part 3 shall be construed to require the new regulation of any  
5 occupational or professional group that is not currently subject to regulation under state law.

6 (6) Nothing in this part 3 prevents the practice of psychotherapy by persons registered  
7 with the state board of registered psychotherapists pursuant to section ~~12-43-702.5~~  
8 ***12-245-703***.

9 (7) No person may engage in the practice of psychology as a psychologist, or refer  
10 to himself or herself as a psychologist, unless ~~such~~ THE person is licensed pursuant to this  
11 part 3.  
12

13 **12-245-307. [Formerly 12-43-307] Continuing professional development - rules.**

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

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

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

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

26 (I) (A) Attending workshops; seminars; symposia; colloquia; invited speaker sessions;  
27 postdoctoral institutes; or scientific or professional programs offered at meetings of local,  
28 state, regional, national, or international professional or scientific organizations. The  
29 activities completed pursuant to this ~~subparagraph (I)~~ SUBSECTION (2)(b)(I) may include  
30 online continuing education but must qualify as continuing education units or continuing  
31 medical education credit approved by the American Psychological Association, state medical  
32 association, or Accreditation Council for Continuing Medical Education or by a regionally  
33 accredited institution of higher education; except that up to five of the continuing  
34 professional development hours completed pursuant to this ~~subparagraph (I)~~ SUBSECTION  
35 (2)(b)(I) may come from attendance at nonaccredited programming that meets the other  
36 requirements of this ~~subparagraph (I)~~ SUBSECTION (2)(b)(I).

37 (B) A licensed psychologist must retain a transcript or a certificate of attendance,  
38 including a statement of the credits earned, provided at the end of the workshop, seminar,  
39 symposium, colloquium, invited speaker session, postdoctoral institute, or scientific or

1 professional program offered at a meeting of a local, state, regional, national, or international  
2 professional or scientific organization as documentation of completion.

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

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

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

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

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

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

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

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

32 ~~(D) Repeated.~~

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

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

39 (3) A licensed psychologist is not required to receive preapproval from the board or

1 other entity prior to the completion of a continuing professional development activity in order  
2 to receive credit for the continuing professional development hours.

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

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

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

15  
16 **12-245-308. [Formerly 12-43-308] Psychology interjurisdictional compact act**  
17 **- powers and duties of the board - rules - definition.** (1) For purposes of this section,  
18 "compact" means the psychology interjurisdictional compact authorized in part 39 of article  
19 60 of title 24. With regard to the compact, the board has the following powers and duties:

- 20 (a) To facilitate Colorado's participation in the compact;
- 21 (b) To promulgate rules necessary for the implementation, administration, and  
22 enforcement of the compact. The board shall promulgate rules in accordance with article 4  
23 of title 24.
- 24 (c) To appoint a person to serve as a commissioner on the psychology  
25 interjurisdictional compact commission;
- 26 (d) To regulate telepsychology in accordance with the compact;
- 27 (e) To regulate psychologist temporary authorization to practice in accordance with  
28 the compact;
- 29 (f) To notify the psychology interjurisdictional compact commission of any adverse  
30 action regarding a licensed psychologist;
- 31 (g) To provide uniform data to a coordinated license information system consistent  
32 with the rules of the psychology interjurisdictional compact commission;
- 33 (h) To approve payment of assessments levied by the psychology interjurisdictional  
34 compact commission to cover the cost of the operations and activities of the commission and  
35 its staff.

36  
37 **PART 4**  
38 **SOCIAL WORKERS**  
39



1           **12-245-401. [Formerly 12-43-401] Definitions.** As used in this part 4, unless the  
2 context otherwise requires:

3           (1) "Approved school" means any university or other institution of higher education  
4 offering a full-time undergraduate course of study in social work approved by the council on  
5 social work education or its predecessor organization.

6           (2) "Board" means the state board of social work examiners, created in section  
7 ~~12-43-402~~ **12-245-402.**

8           ~~(3) Repealed.~~

9           ~~(4) (3) "Clinical social work practice" shall have the same meaning as "social work~~  
10 ~~practice". as defined in section 12-43-403.~~

11           ~~(5) (4) "Graduate school of social work" means any university or other institution of~~  
12 ~~higher education offering a full-time graduate course of study in social work approved by the~~  
13 ~~Council on Social Work Education or its predecessor organization.~~

14           ~~(5.5) (5) "Independent practice" means practicing independent of supervision.~~

15           (6) "Independent private practice" means a practice charging a fee in a setting other  
16 than under the auspices of a public or private nonprofit agency exempt from federal income  
17 tax under section 501 (c)(3) of the federal "Internal Revenue Code of 1986", as amended.

18           (7) "Licensed clinical social worker" means any person licensed under the provisions  
19 of this part 4 as a clinical social worker.

20           (8) "Licensed social worker" means a person licensed under this part 4 as a licensed  
21 social worker.

22           ~~(9) Repealed.~~

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

24           ~~(11) (9) "Social worker" means a person who has completed an earned master's or~~  
25 ~~bachelor's degree in social work from a social work education program accredited by the~~  
26 ~~Council on Social Work Education, or a doctoral degree in social work from a doctoral~~  
27 ~~program within a social work education program accredited by the Council on Social Work~~  
28 ~~Education, and who is practicing within the scope of section 12-43-403~~ **12-245-403.**

29  
30           **12-245-402. [Formerly 12-43-402] State board of social work examiners.**

31           (1) There is hereby created under the supervision and control of the division of professions  
32 ~~and occupations of the department of regulatory agencies~~ the state board of social work  
33 examiners, which shall consist of seven members who are citizens of the United States and  
34 residents of the state of Colorado.

35           (2) (a) Four board members shall be licensed clinical social workers, at least two of  
36 whom shall be engaged in direct social work practice; except that, if, after a good-faith  
37 attempt, the governor determines that an applicant for membership on the board pursuant to  
38 this paragraph ~~(a)~~ SUBSECTION (2)(a) who is engaged in direct social work practice is not  
39 available to serve on the board for a particular term, the governor may appoint a licensed

1 clinical social worker who is not engaged in direct social work practice.

2 (b) Three board members shall be representatives of the general public. These  
3 individuals shall have never been a social worker, an applicant or former applicant for  
4 licensure as a social worker, a member of another mental health profession, or a member of  
5 a household that includes a social worker or a member of another mental health profession  
6 or otherwise have conflicts of interest or the appearance of such conflicts with his or her  
7 duties as a board member.

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

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

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

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

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

37 (IV) The term of office of the one licensed clinical social worker board member who,  
38 as of July 25, 2010, would have served one full four-year term and one partial four-year term  
39 shall expire on June 30, 2009, and the board member shall be eligible to serve one additional

1 four-year term commencing on July 1, 2009, and expiring on June 30, 2013. On and after the  
2 expiration of this board member's term, persons appointed to this position on the board shall  
3 serve terms as described in ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS  
4 SECTION commencing on July 1 of the applicable year.

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

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

14 ~~(5)~~ (4) The governor may remove any board member for misconduct, incompetence,  
15 or neglect of duty after giving the board member a written statement of the charges and an  
16 opportunity to be heard thereon. Actions constituting neglect of duty shall include, but not  
17 be limited to, the failure of board members to attend three consecutive meetings or at least  
18 three quarters of the total meetings in any calendar year.

19 ~~(6)~~ (5) Each board member shall receive a certificate of appointment from the  
20 governor.

21 ~~(7)~~ (6) When professional judgment specific to clinical practice is required in the  
22 review of alleged violations of section ~~12-43-222~~ 12-245-224, the board may appoint an  
23 advisory committee of clinical practitioners to review and make recommendations to the  
24 board.

25

26 **12-245-403. [Formerly 12-43-403] Social work practice defined.** (1) For the  
27 purposes of this part 4, "social work practice" means the professional application of social  
28 work theory and methods by a person who has completed a master's degree in social work  
29 or a doctoral degree in social work or a bachelor's degree in social work from an accredited  
30 social work program, for the purpose of prevention, assessment, diagnosis, and intervention  
31 with individual, family, group, organizational, and societal problems, including substance use  
32 disorders and domestic violence, based on the promotion of biopsychosocial developmental  
33 processes, person-in environment transactions, and empowerment of the client system. Social  
34 work theory and methods are based on known accepted principles that are taught in  
35 professional schools of social work in colleges or universities accredited by the Council on  
36 Social Work Education.

37 (2) Professional social work practice may include, but is not limited to:

- 38 (a) Assessment;
- 39 (b) Differential diagnosis;

- 1 (c) Treatment planning and evaluation;
- 2 (d) Measurement of psychosocial functioning;
- 3 (e) Crisis intervention, out-reach, short- and long-term treatment;
- 4 (f) Therapeutic, individual, marital, and family interventions;
- 5 (g) Client education;
- 6 (h) Case management;
- 7 (i) Mediation;
- 8 (j) Advocacy;
- 9 (k) Discharge, referral, and continuity of care planning and implementation;
- 10 (l) Consultation;
- 11 (m) Supervision;
- 12 (n) Research;
- 13 (o) Management and administration;
- 14 (p) Program evaluation and education;
- 15 (q) Social group work;
- 16 (r) Community organization and development;
- 17 (s) Social policy analysis and development;
- 18 (t) Psychotherapy;
- 19 (u) Consultation, supervision, and teaching in higher education; and
- 20 (v) Counseling.

21 (3) Social work practice may take place in a public or private agency or institutional,  
22 educational, or independent setting.

23 (4) Social work practice is directly based upon an advanced educational program that  
24 teaches the practitioner to analyze, intervene, and evaluate in ways that are highly  
25 differentiated, discriminating, and self-critical. A practitioner must be able to synthesize and  
26 apply a broad range of knowledge as well as practice with a high degree of autonomy and  
27 skill. A practitioner must be able to refine and advance the quality of his or her practice as  
28 well as that of the larger social work profession. These advanced competencies must be  
29 appropriately integrated and reflected in all aspects of a social work practice, including the  
30 ability to:

31 (a) Apply critical thinking skills within professional contexts, including synthesizing  
32 and applying appropriate theories and knowledge to practice interventions;

33 (b) Practice within the values and ethics of the social work profession and with an  
34 understanding of, and respect for, the positive value of diversity;

35 (c) Demonstrate the professional use of self;

36 (d) Understand the forms and mechanisms of oppression and discrimination and the  
37 strategies and skills of change that advance social and economic justice;

38 (e) Understand and interpret the history of the social work profession and its current  
39 structure and issues;

- 1 (f) Apply the knowledge and skills of a generalist social work perspective to practice
- 2 with systems of all sizes;
- 3 (g) Apply the knowledge and skills of advanced social work practice in an area of
- 4 concentration;
- 5 (h) Critically analyze and apply knowledge of biopsychosocial variables that affect
- 6 an individual's development and behavior and use theoretical frameworks to understand the
- 7 interactions among and between individuals and social systems;
- 8 (i) Analyze the impact of social policies on client systems, workers, and agencies and
- 9 demonstrate skills for influencing policy formulation and change;
- 10 (j) Evaluate relevant research studies and apply findings to practice, and demonstrate
- 11 skills in quantitative research design, data analysis, and knowledge dissemination;
- 12 (k) Conduct empirical evaluations of their own practice interventions and those of
- 13 other relevant systems; and
- 14 (l) Use communication skills differentially with a variety of client populations,
- 15 colleagues, and members of the community.

16  
17 **12-245-404. [Formerly 12-43-404] Qualifications - examination - licensure and**  
18 **registration.** (1) The board shall license as a licensed social worker a person who files an  
19 application in a form and manner required by the board, submits the fee required by the board  
20 pursuant to section ~~12-43-204~~ 12-245-205, and submits evidence satisfactory to the board  
21 that ~~he or she~~ THE APPLICANT:

- 22 (a) Is at least twenty-one years of age;
- 23 (b) Has completed a master's degree from a graduate school of social work; and
- 24 (c) Demonstrates professional competence by satisfactorily passing an examination
- 25 in social work as prescribed by the board and a jurisprudence examination administered by
- 26 the division.

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

- 31 (a) Is at least twenty-one years of age;
- 32 (b) Has completed a master's or doctorate degree from a graduate school of social
- 33 work;
- 34 (c) Has practiced social work for at least two years under the supervision of a licensed
- 35 clinical social worker, which practice includes training and work experience in the area of
- 36 clinical social work practice; and
- 37 (d) Demonstrates professional competence by satisfactorily passing an examination
- 38 in social work as prescribed by the board and a jurisprudence examination administered by
- 39 the division.

1           ~~(2.5)~~ (3) (a) The board or its designated representative shall give the examination  
2 described in ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section and in  
3 ~~paragraph (d) of subsection (2)~~ SUBSECTION (2)(d) of this section at least twice per year at  
4 a time and place and under the supervision determined by the board.

5           (b) The board or its designated representatives shall administer and determine the  
6 pass or fail status of the examination and take any actions necessary to ensure impartiality.  
7 The board shall determine the passing score for the examination based upon a level of  
8 minimum competency to engage in social work practice.

9           ~~(3) (Deleted by amendment, L. 2004, p. 914, § 13, effective July 1, 2004.)~~

10          ~~(4) to (6) (Deleted by amendment, L. 2007, p. 138, § 2, effective July 1, 2007.)~~

11          ~~(7) (Deleted by amendment, L. 2004, p. 914, § 13, effective July 1, 2004.)~~

12          ~~(8)~~ (4) A person licensed as a licensed social worker pursuant to subsection (1) of this  
13 section may, but is not required to, register with the database of registered psychotherapists  
14 pursuant to section ~~12-43-702.5~~ **12-245-703**.

15  
16           **12-245-405. [Formerly 12-43-405] Rights and privileges of licensure and a social**  
17 **work degree.** (1) Any person who possesses a valid, unsuspended, and unrevoked license  
18 as a social worker that was issued pursuant to section ~~12-43-404~~ **12-245-404** has the right to  
19 practice social work under supervision and use the title "licensed social worker", "social  
20 worker", and the abbreviation "LSW". No other person shall assume these titles or use these  
21 abbreviations on any work or letter, sign, figure, or device to indicate that the person using  
22 the same is a licensed social worker or a social worker.

23           (2) Any person who possesses a valid, unsuspended, and unrevoked license as a  
24 clinical social worker that was granted pursuant to section ~~12-43-404~~ **12-245-404** is entitled  
25 to engage in the private, independent practice of clinical social work and has the right to  
26 practice and supervise clinical social work practice and use the title "licensed clinical social  
27 worker", "clinical social worker", "social worker", or "licensed social worker", and the  
28 abbreviation "LCSW". No other person shall assume these titles or use these abbreviations  
29 on any work or letter, sign, figure, or device to indicate that the person using the same is a  
30 licensed clinical social worker or social worker.

31          ~~(3) (a) (Deleted by amendment, L. 2005, p. 128, § 8, effective August 8, 2005.)~~

32          ~~(b)~~ (3) Any person engaged in providing medically related social services in skilled  
33 nursing or nursing care facilities shall not be subject to the requirements of this article **245**  
34 so long as that person meets the qualifications of, and provides services in accordance with,  
35 the federal regulations governing the medicare and medicaid program participation of these  
36 facilities and the Colorado department of public health and environment's ~~regulations~~ **RULES**  
37 for the licensing of these facilities.

38          (4) Any person duly licensed as a licensed clinical social worker or any person under  
39 the supervision of a licensed clinical social worker shall not be required to obtain any other



1 license or certification to practice social work as defined in section ~~12-43-403~~, unless  
2 otherwise required by the board. ~~of social work examiners.~~

3 (5) Any person who has completed an earned master's or bachelor's degree in social  
4 work from a social work education program accredited by the Council on Social Work  
5 Education, or a doctoral degree in social work from a doctoral program within a social work  
6 education program accredited by the Council on Social Work Education, has the right to  
7 practice social work and to use the title "social worker". Only a person licensed as a clinical  
8 social worker or practicing under the supervision of a licensed clinical social worker may  
9 assert that he or she is practicing clinical social work or use the title of "clinical social  
10 worker".  
11

12 **12-245-406. [Formerly 12-43-406] Scope of part.** (1) The practice of social work  
13 includes, but is not limited to, the following professional services: Assessment; differential  
14 diagnosis; treatment planning and evaluation; measurement of psychosocial functioning;  
15 crisis intervention; out-reach; short- and long-term treatment; psychotherapy; therapeutic  
16 intervention; client education; case management; mediation; advocacy; discharge, referral,  
17 and continuity of care planning; consultation; supervision; research; administration;  
18 education; social-group work; community organization; and social policy analysis and  
19 development. Social work practice also may encompass other current or developing  
20 modalities and techniques that are consistent with this scope.

21 (2) A person may not state that he or she is engaged in the practice of social work as  
22 a social worker, or refer to himself or herself as a social worker, unless the person is licensed  
23 pursuant to this part 4 or has completed an earned social work degree, as ~~defined~~ SPECIFIED  
24 in section ~~12-43-401 (11)~~ **12-245-401 (9)**. A person may not practice as a clinical social  
25 worker unless licensed pursuant to section ~~12-43-404 (2)~~ **12-245-404 (2)** or licensed to  
26 practice social work and supervised pursuant to section ~~12-43-404 (1) or (2)~~ **12-245-404 (1)**  
27 OR **(2)**.

28 (3) No person may supervise the practice of social work for the purpose of licensure  
29 compliance or disciplinary proceedings unless licensed pursuant to section ~~12-43-404~~  
30 **12-245-404**; except that, in cases where no ~~LCSW~~ LICENSED CLINICAL SOCIAL WORKER is  
31 available for supervision for licensure, the licensee may apply to the board for approval to  
32 be supervised by a person with equivalent experience as determined by the board.

33 (4) Nothing in this part 4 shall be construed to prevent members of other professions  
34 licensed under the laws of this state from rendering services within the scope of practice so  
35 long as they do not represent themselves to be social workers or their services as social work.

36 (5) Nothing in this part 4 prevents the practice of psychotherapy by persons registered  
37 with the state board of registered psychotherapists pursuant to section ~~12-43-702.5~~  
38 **12-245-703**.  
39

1           **12-245-407. [Formerly 12-43-407] Exemptions.** Nothing in this part 4 shall be  
2 construed to prevent the teaching of social work, or the conduct of social work research, if  
3 the teaching or research does not involve the delivery or supervision of direct social work  
4 services to individuals who are themselves, rather than a third party, the intended  
5 beneficiaries of the services without regard to the source or extent of payment for services  
6 rendered. Nothing in this part 4 prevents the provision of expert testimony by social workers  
7 who are exempted by this part 4. A person who has completed an earned doctoral degree in  
8 social work from an approved school may use the title "social worker" in conjunction with  
9 activities permitted in this section.

10  
11           ~~**12-43-408. School social workers. (Repealed)**~~

12  
13           **12-245-408. [Formerly 12-43-409] Clinical social work practice of psychotherapy.**  
14 For the purpose of licensure, the practice, under this part 4, of psychotherapy and other  
15 clinical activities within the definition of social work practice in section ~~12-43-403~~  
16 **12-245-403** is limited to licensed clinical social workers or licensed social workers  
17 supervised by licensed clinical social workers.

18  
19           **12-245-409. [Formerly 12-43-410] Employees of social services.**  
20 (1) Notwithstanding the exemption in section ~~12-43-215(3)~~ **12-245-217(2)(b)**, an employee  
21 of the state department of human services, employee of a county department of human or  
22 social services, or personnel under the direct control or supervision of those departments,  
23 shall not state that he or she is engaged in the practice of social work as a social worker or  
24 refer to himself or herself as a social worker unless the person is licensed pursuant to this part  
25 4 or has completed an earned social work degree, as ~~defined~~ SPECIFIED in section ~~12-43-401~~  
26 ~~(11)~~ **12-245-401 (9)**.

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

31           (3) An employee of the state department of human services or a county department  
32 of human or social services who has completed a bachelor's or master's degree in social work  
33 may apply to the board, for purposes related to licensure under this part 4, for approval for  
34 supervision by a person other than a licensed clinical social worker. The board shall consider  
35 input from representatives of the state department of human services and the county  
36 departments of human or social services when promulgating the rule concerning what  
37 qualifications or experience a person is required to possess in order to supervise an employee  
38 pursuant to this subsection (3).

1           **12-245-410. [Formerly 12-43-411] Continuing professional competency - rules -**  
2 **definition.** (1) (a) In accordance with section ~~12-43-404~~ **12-245-404**, the board issues a  
3 license to practice as a clinical social worker or a social worker based on whether the  
4 applicant satisfies minimum educational and experience requirements that demonstrate  
5 professional competency to practice as a licensed clinical social worker or a licensed social  
6 worker, respectively. After a license is issued to an applicant, the licensed clinical social  
7 worker or licensed social worker shall maintain continuing professional competency to  
8 practice as a licensed clinical social worker or licensed social worker, respectively.  
9           (b) The board shall adopt rules establishing a continuing professional competency  
10 program that includes, at a minimum, the following elements:  
11           (I) A self-assessment of the knowledge and skills of a licensed clinical social worker  
12 or licensed social worker seeking to renew or reinstate a license;  
13           (II) Development, execution, and documentation of a learning plan based on the  
14 assessment; and  
15           (III) Periodic demonstration of knowledge and skills through documentation of  
16 activities necessary to ensure at least minimal ability to safely practice the profession.  
17 Nothing in this ~~subparagraph (III)~~ **SUBSECTION (1)(b)(III)** shall require a licensed clinical  
18 social worker or a licensed social worker to retake any examination required pursuant to  
19 section ~~12-43-404~~ **12-245-404** in connection with initial licensure.  
20           (c) The board shall establish that a licensed clinical social worker or licensed social  
21 worker is deemed to satisfy the continuing competency requirements of this section if the  
22 licensed clinical social worker or licensed social worker meets the continued professional  
23 competence requirements of one of the following entities:  
24           (I) A state department, including continued professional competence requirements  
25 imposed through a contractual arrangement with a provider;  
26           (II) An accrediting body recognized by the board; or  
27           (III) An entity approved by the board.  
28           (d) (I) After the program is established, licensed clinical social workers and licensed  
29 social workers shall satisfy the requirements of the program in order to renew or reinstate a  
30 license to practice as a licensed clinical social worker or as a licensed social worker in  
31 Colorado.  
32           (II) The requirements of this section apply to individual licensed clinical social  
33 workers or licensed social workers who are licensed pursuant to this part 4, and nothing in  
34 this section shall be construed to require a person who employs or contracts with a licensed  
35 clinical social worker or licensed social worker to comply with the requirements of this  
36 section.  
37           (2) (a) Records of assessments or other documentation developed or submitted in  
38 connection with the continuing professional competency program are confidential and not  
39 subject to inspection by the public or discovery in connection with a civil action against a

1 licensed clinical social worker or a licensed social worker. The records or documents shall  
2 be used only by the board for purposes of determining whether a licensed clinical social  
3 worker or licensed social worker is maintaining continuing professional competency to  
4 engage in the profession.

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

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

15 ~~(4) Repeated.~~

16  
17 **PART 5**  
18 **MARRIAGE AND FAMILY THERAPISTS**  
19

20 **12-245-501. [Formerly 12-43-501] Definitions.** As used in this part 5, unless the  
21 context otherwise requires:

22 (1) "Approved school" means any university or other institution of higher education  
23 offering a full-time graduate course of study in marriage and family therapy accredited by  
24 the commission on accreditation for marriage and family therapy education, a nationally  
25 recognized accrediting agency as determined by the board, or a substantially equivalent  
26 program approved by the board.

27 (2) "Board" means the state board of marriage and family therapist examiners created  
28 in section ~~12-43-502~~ **12-245-502**.

29 ~~(3) Repeated.~~

30 ~~(4)~~ (3) "Licensed marriage and family therapist" means a person licensed under the  
31 provisions of this part 5.

32 ~~(5) Repeated.~~

33  
34 **12-245-502. [Formerly 12-43-502] State board of marriage and family therapist**  
35 **examiners.** (1) There is hereby created under the supervision and control of the division of  
36 ~~professions and occupations of the department of regulatory agencies, created in section~~  
37 ~~24-1-122 (2)(g), C.R.S.;~~ the state board of marriage and family therapist examiners, which  
38 shall consist of seven members who are citizens of the United States and residents of the state  
39 of Colorado.

1           (2) (a) The members of the board shall be appointed by the governor as follows:  
2           (I) Three members of the general public who are not regulated by this article **245**; and  
3           (II) Four marriage and family therapists.  
4           (b) The public members shall have never been a marriage and family therapist, an  
5 applicant or former applicant for licensure as a marriage and family therapist, a member of  
6 another mental health profession, or a member of a household that includes a marriage and  
7 family therapist or a member of another mental health profession or otherwise have conflicts  
8 of interest or the appearance of ~~such~~ conflicts with his or her duties as a board member.  
9           ~~(c) (Deleted by amendment, L. 2004, p. 916, § 17, effective July 1, 2004.)~~  
10           ~~(3) (Deleted by amendment, L. 2007, p. 133, § 3, effective August 3, 2007.)~~  
11           ~~(4)~~ (3) (a) Each board member shall hold office until the expiration of his or her  
12 appointed term or until a successor is duly appointed. Except as specified in ~~paragraph (b)~~  
13 ~~of this subsection (4)~~ SUBSECTION (3)(b) OF THIS SECTION, members shall serve terms of four  
14 years, and no member shall serve more than two full consecutive terms. When the term of  
15 each board member expires, the governor shall appoint his or her successor for a term of four  
16 years. Any vacancy occurring in the board membership other than by the expiration of a term  
17 shall be filled by the governor by appointment for the remainder of the unexpired term of  
18 ~~such~~ THE member.  
19           (b) The terms of office of the members on the board are modified as follows in order  
20 to ensure staggered terms of office:  
21           (I) The second term of office of one of the board members representing the general  
22 public whose second term would otherwise expire on August 12, 2010, shall expire on July  
23 31, 2008. On and after the expiration of this board member's term, persons appointed to this  
24 position on the board shall serve terms as described in ~~paragraph (a) of this subsection (4)~~  
25 SUBSECTION (3)(a) OF THIS SECTION commencing on August 1 of the applicable year.  
26           (II) The initial term of office of one of the marriage and family therapist board  
27 members whose initial term would otherwise expire on August 12, 2010, shall expire on July  
28 31, 2008, and the board member shall be eligible to serve one additional four-year term  
29 commencing on August 1, 2008, and expiring on July 31, 2012. On and after the expiration  
30 of this board member's term, persons appointed to this position on the board shall serve terms  
31 as described in ~~paragraph (a) of this subsection (4)~~ SUBSECTION (3)(a) OF THIS SECTION  
32 commencing on August 1 of the applicable year.  
33           (III) The term of office of the one board member representing the general public who,  
34 as of August 12, 2009, would have served one full four-year term and one partial four-year  
35 term expires on July 31, 2009. This board member is eligible to serve one additional  
36 four-year term commencing on August 1, 2009, and expiring on July 31, 2013. On and after  
37 the expiration of this board member's term or a vacancy in this position, the governor shall  
38 appoint a marriage and family therapist to this position on the board, who is eligible to serve  
39 terms as described in ~~paragraph (a) of this subsection (4)~~ SUBSECTION (3)(a) OF THIS SECTION



1 commencing on August 1 of the applicable year.

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

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

16 (VI) The second term of office of one of the board members representing the general  
17 public whose second term would otherwise expire on August 12, 2010, shall expire on July  
18 31, 2010, and the governor shall appoint one new representative of the general public to  
19 serve terms as described in ~~paragraph (a) of this subsection (4)~~ SUBSECTION (3)(a) OF THIS  
20 SECTION commencing on August 1, 2010.

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

28 ~~(5)~~ (4) The governor may remove any board member for misconduct, incompetence,  
29 or neglect of duty after giving the board member a written statement of the charges and an  
30 opportunity to be heard thereon. Actions constituting neglect of duty shall include, but not  
31 be limited to, the failure of board members to attend three consecutive meetings or at least  
32 three quarters of the total meetings in any calendar year.

33 ~~(6)~~ (5) Each board member shall receive a certificate of appointment from the  
34 governor.

35  
36 **12-245-503. [Formerly 12-43-503] Marriage and family therapy practice defined.**

37 (1) For the purposes of this part 5, "marriage and family therapy practice" means the  
38 rendering of professional marriage and family therapy services to individuals, couples, and  
39 families, singly or in groups, whether ~~such~~ THE services are offered directly to the general



1 public or through organizations, either public or private, for a monetary fee. Marriage and  
2 family therapy utilizes established principles that recognize the interrelated nature of  
3 individual problems and dysfunctions to assess, understand, diagnose, and treat emotional  
4 problems; behavioral, mental health, and substance use disorders; and domestic violence, and  
5 modify intrapersonal and interpersonal dysfunctions.

6 (2) Professional marriage and family therapy practice may include, but is not limited  
7 to:

8 (a) Assessment and testing;

9 (b) Diagnosis;

10 (c) Treatment planning and evaluation;

11 (d) Therapeutic individual, marital, family, group, or organizational interventions;

12 (e) Psychotherapy;

13 (f) Client education;

14 (g) Consultation; and

15 (h) Supervision.

16 (3) Professional marriage and family therapy practice includes practicing within the  
17 values and ethics of the marriage and family therapy profession.

18 (4) This definition is to be interpreted in a manner that does not impinge upon or  
19 otherwise limit the scope of practice of other psychotherapists licensed under this article **245**.

20  
21 **12-245-504. [Formerly 12-43-504] Qualifications - examination - licensure and**  
22 **registration.** (1) The board shall issue a license as a marriage and family therapist to each  
23 applicant who files an application in a form and manner required by the board, submits the  
24 fee required by the board pursuant to section ~~12-43-204~~ 12-245-205, and furnishes evidence  
25 satisfactory to the board that ~~he or she~~ THE APPLICANT:

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

27 (b) Is not in violation of any provision of this article **245** or any rule adopted under  
28 this article **245**;

29 (c) Has completed a master's or doctoral degree from an accredited school or college  
30 in marriage and family therapy or its equivalent as determined by the board, and the degree  
31 includes a practicum or internship in the principles and practice of marriage and family  
32 therapy;

33 (d) Subsequent to completing his or her master's or doctoral degree, has had at least  
34 two years of post-master's or one year postdoctoral practice in individual and marriage and  
35 family therapy, including at least one thousand five hundred hours of face-to-face direct  
36 client contact as determined by the board for the purpose of assessment and intervention  
37 under board-approved supervision; and

38 (e) Demonstrates professional competence by passing an examination in marriage and  
39 family therapy prescribed by the board and a jurisprudence examination administered by the

1 division.

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

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

6 ~~(4) (3)~~ The board or its designated representatives shall administer and determine the  
7 pass or fail status of the examination and take any actions necessary to ensure impartiality.  
8 The board shall determine the passing score for the examination based upon a level of  
9 minimum competency to engage in marriage and family therapy practice.

10 ~~(5) (4) (a)~~ The board shall register as a marriage and family therapist candidate a  
11 person who:

12 (I) Files an application for registration, accompanied by the fee as required by section  
13 ~~12-43-204~~ 12-245-205;

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

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

19 (b) A marriage and family therapist candidate who registers with the board pursuant  
20 to this subsection ~~(5) (4)~~ is under the jurisdiction of the board and may, but is not required  
21 to, register with the database of registered psychotherapists pursuant to section ~~12-43-702.5~~  
22 12-245-703.

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

30  
31 **12-245-505. [Formerly 12-43-505] Rights and privileges of licensure and**  
32 **registration.** (1) Any person who possesses a valid, unsuspended, and unrevoked license  
33 as a licensed marriage and family therapist pursuant to section ~~12-43-504~~ 12-245-504 has the  
34 right to engage in the private, independent practice of marriage and family therapy and has  
35 the right to practice and supervise marriage and family therapy practice and use the title  
36 "licensed marriage and family therapist" and the abbreviation "LMFT". No other person shall  
37 assume these titles or use these abbreviations on any work or letter, sign, figure, or device  
38 to indicate that the person using the same is a licensed marriage and family therapist.

39 (2) No person may engage in the practice of marriage and family therapy unless ~~such~~

1 THE person is licensed pursuant to this part 5.

2 (3) Any person duly licensed as a licensed marriage and family therapist shall not be  
3 required to obtain any other license or certification to practice marriage and family therapy  
4 ~~as defined in section 12-43-503~~ unless otherwise required by the board of marriage and  
5 family therapist examiners.

6 (4) Nothing in this part 5 shall be construed to prevent members of other professions  
7 licensed under the laws of this state from rendering services within the scope of practice as  
8 set out in the statutes regulating their professional practices, ~~provided that~~ SO LONG AS they  
9 do not represent themselves to be marriage and family therapists, or their services as  
10 marriage and family therapy.

11 (5) Nothing in this part 5 prevents the practice of psychotherapy by persons registered  
12 with the state board of registered psychotherapists pursuant to section ~~12-43-702.5~~  
13 ***12-245-703.***

14  
15 **12-245-506. [Formerly 12-43-506] Continuing professional competency - rules -**  
16 **definition.** (1) (a) In accordance with section ~~12-43-504~~ ***12-245-504***, the board issues a  
17 license to practice marriage and family therapy based on whether the applicant satisfies  
18 minimum educational and experience requirements that demonstrate professional  
19 competency to practice marriage and family therapy. After a license is issued to an applicant,  
20 the licensed marriage and family therapist shall maintain continuing professional competency  
21 to practice marriage and family therapy.

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

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

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

28 (III) Periodic demonstration of knowledge and skills through documentation of  
29 activities necessary to ensure at least minimal ability to safely practice the profession.  
30 Nothing in this ~~subparagraph (H)~~ **SUBSECTION (1)(b)(III)** shall require a licensed marriage  
31 and family therapist to retake any examination required pursuant to section ~~12-43-504~~  
32 ***12-245-504*** in connection with initial licensure.

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

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

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

1 (III) An entity approved by the board.

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

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

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

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

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

23 ~~(4) Repeated.~~

## 24 PART 6

### 25 LICENSED PROFESSIONAL COUNSELORS

26 **12-245-601. [Formerly 12-43-601] Definitions.** As used in this part 6, unless the  
27 context otherwise requires:

28 (1) "Board" means the state board of licensed professional counselor examiners,  
29 created in section ~~12-43-602~~ **12-245-602**.

30 (2) ~~(Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1317, § 53, effective~~  
31 ~~July 1, 2011.)~~

32 ~~(3) Repeated.~~

33 (4) (2) "Licensed professional counselor" means a professional counselor who  
34 practices professional counseling and who is licensed pursuant to this part 6.

35 (5) ~~(Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1317, § 53, effective~~  
36 ~~July 1, 2011.)~~

37 (6) (3) "School or college" means any university or other institution of higher  
38  
39

1 education offering a full-time graduate course of study in professional counseling approved  
2 by appropriate national organizations accrediting professional counselor education programs  
3 or a substantially equivalent program approved by the board.  
4

5 **12-245-602. [Formerly 12-43-602] State board of licensed professional counselor**  
6 **examiners.** (1) There is hereby created the state board of licensed professional counselor  
7 examiners under the supervision and control of the division. ~~of professions and occupations~~  
8 ~~of the department of regulatory agencies, created in section 24-1-122 (2)(g), C.R.S.~~ The  
9 board shall consist of seven members who are citizens of the United States and residents of  
10 the state of Colorado.

11 (2) (a) The members of the board shall be appointed by the governor as follows:

12 (I) Three members of the general public who are not regulated under this article **245**;  
13 and

14 (II) Four licensed professional counselors.

15 (b) The public members shall have never been a licensed professional counselor, an  
16 applicant or former applicant for licensure as a licensed professional counselor, a member  
17 of another mental health profession, or a member of a household that includes a licensed  
18 professional counselor or a member of another mental health profession or otherwise have  
19 conflicts of interest or the appearance of ~~such~~ conflicts with his or her duties as a board  
20 member.

21 ~~(c) (Deleted by amendment, L. 2004, p. 917, § 19, effective July 1, 2004.)~~

22 ~~(3) (Deleted by amendment, L. 2007, p. 135, § 4, effective August 3, 2007.)~~

23 ~~(4)~~ (3) (a) Each member shall hold office until the expiration of his or her appointed  
24 term or until a successor is duly appointed. Except as specified in ~~paragraph (b) of this~~  
25 ~~subsection (4)~~ SUBSECTION (3)(b) OF THIS SECTION, members shall serve terms of four years,  
26 and no member shall serve more than two full consecutive terms. When the term of each  
27 board member expires, the governor shall appoint his or her successor for a term of four  
28 years. Any vacancy occurring in the board membership other than by the expiration of a term  
29 shall be filled by the governor by appointment for the unexpired term of ~~such~~ THE member.

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

32 (I) The terms of office of the one licensed professional counselor board member and  
33 one of the board members representing the general public who, as of September 12, 2010,  
34 would have served one full four-year term and one partial four-year term shall expire on  
35 August 31, 2008. Each of these board members shall be eligible to serve one additional  
36 four-year term, commencing on September 1, 2008, and expiring on August 31, 2012. On  
37 and after the expiration of these board members' terms, persons appointed to these positions  
38 on the board shall serve terms as described in ~~paragraph (a) of this subsection (4)~~  
39 SUBSECTION (3)(a) OF THIS SECTION commencing on September 1 of the applicable year.

1 (II) The term of office of the one board member representing the public whose initial  
2 term would otherwise expire on September 12, 2009, expires on August 31, 2009, and the  
3 board member is eligible to serve one additional four-year term, commencing on September  
4 1, 2009, and expiring on August 31, 2013. On and after the expiration of this board member's  
5 term or a vacancy in this position, the governor shall appoint a licensed professional  
6 counselor to this position on the board, who is eligible to serve terms as described in  
7 ~~paragraph (a) of this subsection (4)~~ SUBSECTION (3)(a) OF THIS SECTION commencing on  
8 September 1 of the applicable year.

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

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

24 ~~(5)~~ (4) The governor may remove any board member for misconduct, incompetence,  
25 or neglect of duty after giving the board member a written statement of the charges and an  
26 opportunity to be heard thereon. Actions constituting neglect of duty shall include, but not  
27 be limited to, the failure of board members to attend three consecutive meetings or at least  
28 three quarters of the total meetings in any calendar year.

29 ~~(6)~~ (5) Each board member shall receive a certificate of appointment from the  
30 governor.

31  
32 **12-245-603. [Formerly 12-43-602.5] Practice of licensed professional counseling**  
33 **defined.** (1) For purposes of this part 6, "practice of licensed professional counseling" means  
34 the application of mental health, psychological, or human development principles through  
35 cognitive, affective, behavioral, or systematic intervention strategies that address wellness,  
36 personal growth, or career development, as well as pathology. A licensed professional  
37 counselor may render the application of these principles to individuals, couples, families, or  
38 groups.

39 (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.

15  
16 **12-245-604. [Formerly 12-43-603] Licensure - examination - licensed professional**  
17 **counselors.** (1) The board shall issue a license as a licensed professional counselor to each  
18 applicant who files an application in a form and manner required by the board, submits the  
19 fee required by the board pursuant to section ~~12-43-204~~ 12-245-205, and furnishes evidence  
20 satisfactory to the board that ~~he or she~~ THE APPLICANT:

- 21 (a) Is at least twenty-one years of age;
- 22 (b) Is not in violation of any provision of this article **245** or any rule adopted under  
23 this article **245**;
- 24 (c) Has completed a master's or doctoral degree in professional counseling from an  
25 accredited school or college or an equivalent program as determined by the board. The  
26 degree or program must include a practicum or internship in the principles and the practice  
27 of professional counseling.
- 28 (d) Has at least two years of post-master's practice or one year of postdoctoral  
29 practice in licensed professional counseling under supervision approved by the board; and
- 30 (e) Demonstrates professional competence by passing an examination in professional  
31 counseling demonstrating special knowledge and skill in licensed professional counseling  
32 as prescribed by the board and a jurisprudence examination administered by the division.
- 33 ~~(2) (Deleted by amendment, L. 2007, p. 140, § 4, effective July 1, 2007.)~~
- 34 ~~(3)~~ (2) The examination by the board described in ~~paragraph (c) of subsection (1)~~  
35 SUBSECTION (1)(e) of this section shall be given not less than twice per year at such time and  
36 place and under such supervision as the board may determine.
- 37 ~~(4)~~ (3) The board or its designated representatives shall administer and determine the  
38 pass or fail status of the examination and take any actions necessary to ensure impartiality.  
39 The board shall determine the passing score for the examination based upon a level of

1 minimum competency to engage in the practice of licensed professional counseling.

2 ~~(5)~~ (4) (a) The board shall register as a licensed professional counselor candidate a  
3 person who:

4 (I) Files an application for registration, accompanied by the fee as required by section  
5 ~~12-43-204~~ 12-245-205;

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

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

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

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

22  
23 **12-245-605. [Formerly 12-43-604] Rights and privileges of licensure.** (1) Any  
24 person who possesses a valid, unsuspended, and unrevoked license as a licensed professional  
25 counselor has the right to use the title for which ~~he or she~~ THE PERSON is licensed pursuant  
26 to section ~~12-43-603~~ 12-245-604. A licensed professional counselor licensed pursuant to  
27 section ~~12-43-603~~ 12-245-604 has the right to use the abbreviation "LPC". No other person  
28 shall assume this title or use this abbreviation on any work or letter, sign, figure, or device  
29 to indicate that the person using the same is a licensed professional counselor.

30 (2) Any person duly licensed as a licensed professional counselor is not required to  
31 obtain any other license or certification to practice professional counseling unless otherwise  
32 required by the board of licensed professional counselor examiners.

33 (3) Nothing in this act shall be construed to prevent members of other professions  
34 licensed under the laws of this state from rendering services within the scope of practice as  
35 set out in the statutes regulating their professional practices ~~provided that~~ IF they do not  
36 represent themselves to be professional counselors, or their services as professional  
37 counseling.

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

1 *12-245-703.*

2  
3 **12-245-606. [Formerly 12-43-605] Continuing professional competency - rules -**  
4 **definition.** (1) (a) In accordance with section ~~12-43-603~~ **12-245-604**, the board issues a  
5 license to practice professional counseling based on whether the applicant satisfies minimum  
6 educational and experience requirements that demonstrate professional competency to  
7 practice professional counseling. After a license is issued to an applicant, the licensed  
8 professional counselor shall maintain continuing professional competency to practice  
9 professional counseling.

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

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

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

16 (III) Periodic demonstration of knowledge and skills through documentation of  
17 activities necessary to ensure at least minimal ability to safely practice the profession.  
18 Nothing in this ~~subparagraph~~ ~~(III)~~ SUBSECTION (1)(b)(III) shall require a licensed  
19 professional counselor to retake any examination required pursuant to section ~~12-43-603~~  
20 **12-245-604** in connection with initial licensure.

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

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

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

28 (III) An entity approved by the board.

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

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

36 (2) (a) Records of assessments or other documentation developed or submitted in  
37 connection with the continuing professional competency program are confidential and not  
38 subject to inspection by the public or discovery in connection with a civil action against a  
39 licensed professional counselor. The records or documents shall be used only by the board

1 for purposes of determining whether a licensed professional counselor is maintaining  
2 continuing professional competency to engage in the profession.

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

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

11 ~~(4) Repeated.~~

12  
13 **PART 7**  
14 **STATE BOARD OF REGISTERED PSYCHOTHERAPISTS**

15  
16 **12-245-701. [Formerly 12-43-701] Definition.** As used in this part 7, unless the  
17 context otherwise requires,

18 (1) "board" means the state board of registered psychotherapists created by section  
19 ~~12-43-702~~ **12-245-702.**

20 ~~(2) Repeated.~~

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

23  
24 **12-245-702. [Formerly 12-43-702] State board of registered psychotherapists -**  
25 **creation - membership.** (1) There is hereby created the state board of registered  
26 psychotherapists, which shall be under the supervision and control of the division of  
27 professions and occupations as provided in section ~~24-34-102, C.R.S.~~ **12-20-103 (2).** The  
28 board shall consist of seven members who are residents of the state of Colorado. <{Updating  
29 citation to comparable common provision, 12-20-103.}>

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

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

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

39 ~~(5) (4) Members of the state board of registered psychotherapists appointed under~~

1 subsection (2) or (3) of this section may serve two full consecutive terms.

2       ~~(6)~~ (5) (a) Each member is eligible to hold office until the expiration of his or her  
3 appointed term or until a successor is duly appointed. When the term of each board member  
4 expires, the governor shall appoint his or her successor for a term of four years. Any vacancy  
5 occurring in the board membership other than by the expiration of a term shall be filled by  
6 the governor by appointment for the unexpired term of ~~such~~ THE member.

7       (b) For purposes of appointments to the board made on or after July 1, 2011, upon the  
8 occurrence of a vacancy in a position held by a member representing the public or upon the  
9 expiration of the second term of office of a member representing the public, whichever  
10 occurs first, the governor shall appoint a regulated psychotherapist to that position on the  
11 board, who is eligible to serve terms as described in subsections (3) and ~~(5)~~ (4) of this  
12 section.

13       (c) The governor may remove any board member for misconduct, incompetence, or  
14 neglect of duty. Actions constituting neglect of duty shall include, but not be limited to, the  
15 failure of board members to attend three consecutive meetings or at least three-quarters of  
16 the board's meetings in any one calendar year.

17       ~~(7)~~ (6) A majority of the board shall constitute a quorum for the transaction of all  
18 business.

19  
20       **12-245-703. [Formerly 12-43-702.5] Database of registered psychotherapists -**  
21 **unauthorized practice - penalties - data collection.** (1) The state board of registered  
22 psychotherapists shall maintain a database of all registered psychotherapists. The board shall  
23 charge a fee in the same manner as authorized in section ~~24-34-105, C.R.S. 12-20-105~~, for  
24 recording information in the database as required by this section. Information in the database  
25 maintained pursuant to this section is open to public inspection at all times. <{**Changing**  
26 **citation to fees common provision, 12-20-105.**}>

27       ~~(1.5)~~ (2) A person who: Is licensed pursuant to part 3, 4, 5, 6, or 8 of this article 245;  
28 is registered as a psychologist candidate, licensed social worker, marriage and family  
29 therapist candidate, or professional counselor candidate; or is enrolled in a professional  
30 training program at an approved school and actively working toward acquiring and  
31 demonstrating the necessary qualifications for licensure set forth in section ~~12-43-304,~~  
32 ~~12-43-404, 12-43-504, 12-43-603~~ 12-245-304, 12-245-404, 12-245-504, 12-245-604, or  
33 ~~12-43-804~~ 12-245-804 may, but is not required to, register with the database of registered  
34 psychotherapists.

35       ~~(2)~~ (3) Any person not otherwise licensed, registered, or certified pursuant to this  
36 article 245 is practicing psychotherapy in this state shall register with the board by submitting  
37 his or her name, current address, educational qualifications, disclosure statements,  
38 therapeutic orientation or methodology, or both, and years of experience in each specialty  
39 area. Upon receipt and review of the required information, the board may approve the

1 psychotherapist for registration in the database required by subsection (1) of this section. A  
2 registered psychotherapist shall update this information upon renewal of his or her  
3 registration and at other times and under conditions specified by the board by rule. At the  
4 time of recording the information required by this section, the registered psychotherapist  
5 shall indicate whether he or she has been convicted of, or entered a plea of guilty or nolo  
6 contendere to, any felony or misdemeanor.

7 (3) (4) An unlicensed person whose primary practice is psychotherapy or who holds  
8 himself or herself out to the public as able to practice psychotherapy for compensation shall  
9 not practice psychotherapy unless the person is registered with the board and included in the  
10 database required by this section. Notwithstanding the requirements of this section, a  
11 registered psychotherapist shall not use the term "licensed", "certified", "clinical",  
12 "state-approved", or any other term or abbreviation that would falsely give the impression  
13 that the psychotherapist or the service that is being provided is recommended by the state,  
14 based solely on inclusion in the database.

15 (4) (5) The state board of registered psychotherapists shall not register a person  
16 pursuant to this section unless the person has successfully completed a jurisprudence  
17 examination developed and approved by the division.

18 (5) (6) Any unlicensed person who practices psychotherapy without first complying  
19 with the registration requirements of this section ~~commits a class 2 misdemeanor and shall~~  
20 ~~be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and for the~~  
21 ~~second or any subsequent offense, the person commits a class 6 felony and shall be punished~~  
22 ~~as provided in section 18-1.3-401, C.R.S.~~ IS SUBJECT TO PENALTIES PURSUANT TO SECTION  
23 12-20-407 (1)(a). <{Redundant with unauthorized practice common provision,  
24 12-20-407.}>  
25

- 26 ~~12-43-703. Powers and duties of the grievance board. (Repealed)~~
- 27 ~~12-43-704. Prohibited activities – related provisions. (Repealed)~~
- 28 ~~12-43-704.5. Authority of grievance board – cease and desist orders. (Repealed)~~
- 29 ~~12-43-705. Disciplinary proceedings - judicial review - mental and physical~~
- 30 ~~examinations. (Repealed)~~
- 31 ~~12-43-706. Reconsideration and review of action of grievance board. (Repealed)~~
- 32 ~~12-43-707. Unlawful acts. (Repealed)~~
- 33 ~~12-43-708. Injunctive proceedings. (Repealed)~~

34  
35 **12-245-704. [Formerly 12-43-709] Expenses of the board.** All reasonable expenses  
36 of the board shall be paid as determined by the director of the division of professions and  
37 occupations from the fees collected pursuant to section ~~12-43-204~~ 12-245-205 as provided  
38 by law.  
39





1 can be established independent of the other, and the disorders are not simply a cluster of  
2 symptoms resulting from a single disorder.

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

6 (11) (10) "Licensed addiction counselor" means a person licensed by the board to  
7 provide professional behavioral health disorder treatment.  
8

9 **12-245-802. [Formerly 12-43-802] State board of addiction counselor examiners.**

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

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

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

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

33 (b) Three board members must be representatives of the general public, one of whom  
34 may be an addiction counseling consumer or family member of an addiction counseling  
35 consumer. These individuals must have never been addiction counselors, applicants, or  
36 former applicants for licensure or certification as an addiction counselor, members of another  
37 mental health profession, members of households that include addiction counselors or any  
38 other mental health professional, or otherwise have conflicts of interest or the appearance of  
39 a conflict with their duties as board members.

1 (3) (a) Each board member shall hold office until the expiration of the member's  
2 appointed term or until a successor is duly appointed. Except as specified in ~~paragraph (b)~~  
3 ~~of this subsection (3)~~ SUBSECTION (3)(b) OF THIS SECTION, the term of each member is four  
4 years, and a board member shall not serve more than two full consecutive terms. The  
5 governor shall fill a vacancy occurring in board membership, other than by expiration of a  
6 term, by appointment for the unexpired term of the member.

7 (b) The initial terms of office of the members appointed to the board as of January  
8 1, 2012, are modified as follows in order to ensure staggered terms of office:

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

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

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

27  
28 **12-245-803. [Formerly 12-43-803] Practice of addiction counseling defined - scope**  
29 **of practice.** (1) For the purposes of this part 8, "addiction counseling" means the application  
30 of general counseling theories and treatment methods adapted specifically for working with  
31 addictive and other behavioral health disorders. Addiction counselors work in a broad variety  
32 of disciplines but share an understanding of the addictive process. An addiction counselor  
33 identifies a variety of helping strategies that can be tailored to meet the needs of the client.  
34 Addiction counseling relies on the use of evidence-based practices that have been shown to  
35 be effective in treating addictive disorders.

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

38 (a) **Understanding addiction:** Includes knowledge of models and theories of  
39 addiction, including alcohol and substance use disorders; recognition of social, political,

1 economic, and cultural contexts within which addiction exists; understanding the behavioral,  
2 psychological, physical health, and social effects of using addictive substances or engaging  
3 in addictive behaviors; and recognizing and understanding co-occurring disorders.

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

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

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

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

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

38 (4) **Scope of practice - licensed addiction counselors.** Based on education, training,  
39 knowledge, and experience, the scope of practice of a licensed addiction counselor includes

1 behavioral health counseling and may include the treatment of substance use disorders,  
2 addictive behavioral disorders, and co-occurring disorders, including clinical evaluation and  
3 diagnosis, treatment planning, service coordination, case management, clinical  
4 documentation, professional and ethical responsibilities, education and psychotherapy with  
5 clients, family, and community, clinical supervisory responsibilities, and intervention.  
6

7 **12-245-804. [Formerly 12-43-804] Requirements for licensure and certification**

8 - **rules.** (1) The board shall issue a license as an addiction counselor to an applicant who  
9 files an application in the form and manner required by the board, submits the fee required  
10 by the board pursuant to section ~~12-43-204~~ 12-245-205, and submits evidence satisfactory  
11 to the board that ~~he or she~~ THE APPLICANT:

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

13 (b) Is not in violation of any provision of this article **245** or any rules promulgated by  
14 the board;

15 (c) Has completed a master's or doctorate degree in the behavioral health sciences  
16 from an accredited school, college, or university or an equivalent program as determined by  
17 the board;

18 (d) Demonstrates professional competence by:

19 (I) Passing a national examination demonstrating special knowledge and skills in  
20 behavioral health disorders counseling as determined by the office of behavioral health in the  
21 department of human services and approved by the board; and

22 (II) Passing a jurisprudence examination administered by the division;

23 (e) Has met the requirements for a certificate of addiction counseling, level III;

24 (f) Has completed the number of clock hours of addiction-specific training, as  
25 specified by the board by rule, including training in evidence-based treatment approaches,  
26 clinical supervision, ethics, and co-occurring disorders; and

27 (g) Has completed at least five thousand hours of clinically supervised work  
28 experience.

29 (2) The board shall issue a certification as an addiction counselor to an applicant who  
30 files an application in the form and manner required by the board, submits the fee required  
31 by the board pursuant to section ~~12-43-204~~ 12-245-205, and submits evidence satisfactory  
32 to the board that ~~he or she~~ THE APPLICANT:

33 (a) Is at least eighteen years of age;

34 (b) Is not in violation of any provision of this article **245** or any rules promulgated by  
35 the board or by the state board of human services in the department of human services  
36 pursuant to section 27-80-108 (1)(e); ~~C.R.S.~~;

37 (c) Has met the requirements for certification at a particular certification level as  
38 specified in rules adopted pursuant to subsection (3) of this section by the state board of  
39 human services in the department of human services.

1           (3) The state board of human services in the department of human services shall  
2 promulgate rules, with approval of the board, for certification of addiction counselors in  
3 accordance with section 27-80-108 (1)(e). ~~C.R.S.~~

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

8  
9           **12-245-805. [Formerly 12-43-804.5] Rights and privileges of certification and**  
10 **licensure.** (1) Any person who possesses a valid, unsuspended, and unrevoked certificate  
11 as a level I, II, or III certified addiction counselor has the right to practice addiction  
12 counseling under supervision or consultation as required by the rules of the state board of  
13 human services in the department of human services; a level III certified addiction counselor  
14 has the right to supervise addiction counseling practice; and all levels of certification have  
15 the right to use the title "certified addiction counselor" and the abbreviations "CAC I", "CAC  
16 II", or "CAC III", as applicable. No other person shall assume these titles or use these  
17 abbreviations on any work or media to indicate that the person using the title or abbreviation  
18 is a certified addiction counselor.

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

24  
25           **12-245-806. [Formerly 12-43-805] Continuing professional competency - rules -**  
26 **definition.** (1) (a) In accordance with sections ~~12-43-803~~ **12-245-803** and ~~12-43-804~~  
27 **12-245-804**, the board issues a license or certificate to practice addiction counseling based  
28 on whether the applicant satisfies minimum educational and experience requirements that  
29 demonstrate professional competency to practice addiction counseling. After a license or a  
30 certificate as a level II or level III addiction counselor is issued to an applicant, the licensed  
31 or level II or level III certified addiction counselor shall maintain continuing professional  
32 competency to practice addiction counseling.

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

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

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



1 (III) Periodic demonstration of knowledge and skills through documentation of  
2 activities necessary to ensure at least minimal ability to safely practice the profession.  
3 Nothing in this ~~subparagraph (III)~~ SUBSECTION (1)(b)(III) shall require a licensed or level II  
4 or level III certified addiction counselor to retake any examination required pursuant to  
5 section ~~12-43-804~~ **12-245-804** in connection with initial licensure or certification.

6 (c) A licensed or level II or level III certified addiction counselor satisfies the  
7 continuing competency requirements of this section if the licensed or level II or level III  
8 certified addiction counselor meets the continued professional competence requirements of  
9 one of the following entities:

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

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

13 (III) An entity approved by the board.

14 (d) (I) After the program is established, a licensed or level II or level III certified  
15 addiction counselor shall satisfy the requirements of the program in order to renew or  
16 reinstate a license or certificate to practice addiction counseling in Colorado.

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

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

28 (b) Subject to the requirements of ~~paragraph (a) of this subsection (2)~~ SUBSECTION  
29 (2)(a) OF THIS SECTION, nothing in this section shall be construed to restrict the discovery of  
30 information or documents that are otherwise discoverable under the Colorado rules of civil  
31 procedure in connection with a civil action against a licensed or certified addiction counselor.

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

37 ~~(4) Repealed.~~