

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0544.01 Josh Schultz x6586

HOUSE BILL 26-1425

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HOUSE SPONSORSHIP

**Gilchrist and Brown**, Sirota, Stewart K., Stewart R., Taggart

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**House Committees**  
Health & Human Services

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF APPLIED BEHAVIOR ANALYSIS  
102 SERVICES.

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**Bill Summary**

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

The bill creates the Colorado behavior analyst licensing board (board) under the direction and supervision of the division of professions and occupations in the department of regulatory agencies (division). On and after July 1, 2028, an individual is prohibited from engaging in or offering the practice of applied behavior analysis unless the individual is licensed by the board. The board is authorized to license behavior analysts

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

and assistant behavior analysts if they meet the requirements specified by the bill and the rules adopted by the board pursuant to the bill.

An individual who seeks to practice as a behavior analyst or assistant behavior analyst must meet the following requirements:

- File an application for a license;
- Have a valid certification in good standing with a certifying entity;
- Complete a fingerprint-based criminal history record check; and
- If the individual seeks to practice as an assistant behavior analyst, be supervised by a licensed behavior analyst.

The board may deny or refuse to renew a license, suspend or revoke a license, impose probationary conditions on a license, or issue a cease-and-desist letter or seek injunctive relief against a licensee or an applicant for licensure who has engaged in specified grounds for discipline or unprofessional conduct.

The bill exempts specified individuals from the licensing requirements established by the bill.

An individual who practices or offers or attempts to practice as a behavior analyst or assistant behavior analyst without being licensed pursuant to the bill and who is not exempted from licensure commits a class 2 misdemeanor.

The board shall adopt rules as necessary to implement the bill.

The regulation of behavior analysts and assistant behavior analysts is scheduled for repeal on September 1, 2031. Before the repeal, the functions of the board in regulating applied behavior analysis are scheduled for review in accordance with the sunset law.

The bill requires the department of health care policy and financing (state department) to reimburse an applied behavior analysis provider for applied behavior analysis services provided by a behavior technician certified by a certifying entity to a medicaid member with autism spectrum disorder or other conditions for which coverage may be available under state department policies. The state department shall reimburse the applicable applied behavior analysis provider for applied behavior analysis services provided by a behavior technician who is required by the state department to be certified by a certifying entity, but is not certified at the time of services, for services provided during a temporary period of not less than 60 days while the behavior technician is pursuing the certification.

The department of human services (department) is required to prescribe and publish separate standards for the licensing of applied behavior analysis clinics (clinics). The department is authorized to adopt rules concerning specific subjects related to standards for clinics. Clinics are required to comply with specified requirements regarding local government zoning regulations, licensing fees, and qualifications for

employees of the clinics.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) The practice of applied behavior analysis affects the health,  
5 safety, and welfare of the citizens of Colorado and should be subject to  
6 regulation to protect the public from:

7 (I) The practice of applied behavior analysis by unqualified  
8 persons; and

9 (II) Unprofessional, unethical, or harmful conduct by behavior  
10 analysis practitioners;

11 (b) The practice of applied behavior analysis by any individual  
12 who is not licensed or practicing as permitted by this act is inimical to the  
13 general public welfare. It is not, however, the intent of this act to restrict  
14 the practice of any individual duly licensed, certified, or registered under  
15 other laws of this state from practicing within the individual's scope of  
16 competency and authority under those laws.

17 (c) The practice of behavior analysis in clinical settings where  
18 children may regularly be in therapy for several hours in a private facility  
19 warrants additional oversight for facility safety and any nontherapeutic  
20 operations. Such oversight must, however, be subject to and coordinated  
21 with professional licensing rules and requirements to ensure efficiency  
22 and access to medically necessary care and compliance with other federal  
23 and state laws.

24 **SECTION 2.** In Colorado Revised Statutes, **add** article 247 to  
25 title 12 as follows:



1 (c) "APPLIED BEHAVIOR ANALYSIS" DOES NOT INCLUDE:  
2 (I) DIAGNOSIS;  
3 (II) PSYCHOLOGICAL TESTING;  
4 (III) PSYCHOTHERAPY;  
5 (IV) COGNITIVE THERAPY;  
6 (V) PSYCHOANALYSIS;  
7 (VI) MENTAL HEALTH COUNSELING;  
8 (VII) PRACTICE WITH NONHUMANS;  
9 (VIII) BUSINESS OR ORGANIZATIONAL CONSULTING, INCLUDING  
10 ORGANIZATIONAL BEHAVIOR MANAGEMENT SERVICES; OR  
11 (IX) ANY PRACTICES REGULATED UNDER ARTICLE 245 OF THIS  
12 TITLE 12.

13 (2) "BEHAVIOR TECHNICIAN" MEANS AN INDIVIDUAL WHO  
14 PRACTICES UNDER THE SUPERVISION OF A LICENSED BEHAVIOR ANALYST  
15 OR LICENSED ASSISTANT BEHAVIOR ANALYST IN ACCORDANCE WITH THE  
16 REQUIREMENTS OF A CERTIFYING ENTITY. A BEHAVIOR TECHNICIAN DOES  
17 NOT DESIGN ASSESSMENT OR INTERVENTION PLANS OR PROCEDURES BUT  
18 DELIVERS SERVICES AS ASSIGNED BY THE SUPERVISOR RESPONSIBLE FOR  
19 THE BEHAVIOR TECHNICIAN'S WORK.

20 (3) "BOARD" MEANS THE COLORADO BEHAVIOR ANALYST  
21 LICENSING BOARD CREATED IN SECTION 12-247-104, WHICH IS  
22 AUTHORIZED TO IMPLEMENT AND ENFORCE THIS ARTICLE 247 AND  
23 OVERSEE THE PRACTICE OF APPLIED BEHAVIOR ANALYSIS.

24 (4) "CERTIFIED ASSISTANT BEHAVIOR ANALYST" MEANS AN  
25 INDIVIDUAL WHO IS CERTIFIED BY A CERTIFYING ENTITY AS A "BOARD  
26 CERTIFIED ASSISTANT BEHAVIOR ANALYST".

27 (5) "CERTIFIED BEHAVIOR ANALYST" MEANS AN INDIVIDUAL WHO

1 IS CERTIFIED BY A CERTIFYING ENTITY AS A "BOARD CERTIFIED BEHAVIOR  
2 ANALYST".

3 (6) "CERTIFIED BEHAVIOR ANALYST-DOCTORAL" MEANS AN  
4 INDIVIDUAL WHO IS CERTIFIED BY A CERTIFYING ENTITY AS A "BOARD  
5 CERTIFIED BEHAVIOR ANALYST" AND HAS BEEN DESIGNATED BY A  
6 CERTIFYING ENTITY AS A "BOARD CERTIFIED BEHAVIOR  
7 ANALYST-DOCTORAL".

8 (7) "CERTIFYING ENTITY" MEANS THE BEHAVIOR ANALYST  
9 CERTIFICATION BOARD OR ANOTHER NATIONAL ENTITY IDENTIFIED BY THE  
10 BOARD WHOSE PROGRAMS TO CREDENTIAL PRACTITIONERS OF APPLIED  
11 BEHAVIOR ANALYSIS ARE ACCREDITED BY THE NATIONAL COMMISSION  
12 FOR CERTIFYING AGENCIES OR THE AMERICAN NATIONAL STANDARDS  
13 INSTITUTE.

14 (8) "LICENSED ASSISTANT BEHAVIOR ANALYST" MEANS AN  
15 INDIVIDUAL WHO IS A CERTIFIED ASSISTANT BEHAVIOR ANALYST AND IS  
16 LICENSED PURSUANT TO SECTION 12-247-108.

17 (9) "LICENSED BEHAVIOR ANALYST" MEANS AN INDIVIDUAL WHO  
18 IS A CERTIFIED BEHAVIOR ANALYST OR CERTIFIED BEHAVIOR  
19 ANALYST-DOCTORAL AND IS LICENSED PURSUANT TO SECTION 12-247-107.

20 **12-247-104. Colorado behavior analyst licensing board -**  
21 **created - members - terms - repeal.**

22 (1) (a) THERE IS CREATED THE COLORADO BEHAVIOR ANALYST  
23 LICENSING BOARD, WHICH IS A **TYPE 1** ENTITY, AS DEFINED IN SECTION  
24 24-1-105, AND WHICH EXERCISES ITS POWERS AND PERFORMS ITS DUTIES  
25 AND FUNCTIONS UNDER THE DIVISION. THE BOARD CONSISTS OF FIVE  
26 MEMBERS WHO ARE APPOINTED BY THE GOVERNOR AS FOLLOWS:

27 (I) THREE MEMBERS WHO ARE LICENSED BEHAVIOR ANALYSTS TO

1 SERVE THREE-YEAR TERMS;

2 (II) ONE LICENSED ASSISTANT BEHAVIOR ANALYST TO SERVE A  
3 THREE-YEAR TERM; AND

4 (III) ONE PUBLIC MEMBER TO SERVE A THREE-YEAR TERM.

5 (b) (I) THE LICENSED BEHAVIOR ANALYST AND LICENSED  
6 ASSISTANT BEHAVIOR ANALYST BOARD MEMBERS INITIALLY APPOINTED  
7 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION MUST MEET THE  
8 QUALIFICATIONS FOR LICENSURE UPON APPOINTMENT AND SHALL APPLY  
9 FOR LICENSURE AS SOON THE FIRST APPLICATION PERIOD BEGINS, AND  
10 THEY SHALL BE GRANTED APPLICABLE LICENSES UPON MEETING ALL  
11 QUALIFICATIONS OF SECTION 12-247-107 OR 12-247-108, AS APPLICABLE.

12 (II) THE LICENSED BEHAVIOR ANALYST AND LICENSED ASSISTANT  
13 BEHAVIOR ANALYST BOARD MEMBERS INITIALLY APPOINTED PURSUANT TO  
14 SUBSECTION (1)(a) OF THIS SECTION SHALL MAINTAIN LICENSURE  
15 PURSUANT TO SECTION 12-247-107 OR 12-247-108, AS APPLICABLE, WHILE  
16 SERVING ON THE BOARD.

17 (c) (I) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS TO  
18 THE BOARD PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION NO LATER  
19 THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS  
20 SECTION.

21 (II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE SEPTEMBER  
22 1, 2029.

23 (2) (a) (I) UPON THE EXPIRATION OF THE TERM OF EACH INITIAL  
24 BOARD MEMBER DESIGNATED PURSUANT TO SUBSECTION (1)(a) OF THIS  
25 SECTION, THE GOVERNOR SHALL APPOINT A BOARD MEMBER TO A  
26 THREE-YEAR TERM AND THE BOARD MEMBER SHALL SERVE UNTIL A  
27 SUCCESSOR IS APPOINTED AND QUALIFIED.

1 (II) AN INDIVIDUAL SHALL NOT SERVE MORE THAN TWO  
2 CONSECUTIVE FULL TERMS ON THE BOARD.

3 (b) IF A MEMBER OF THE BOARD CANNOT COMPLETE A TERM OF  
4 OFFICE, THE VACANCY SHALL BE FILLED IN THE SAME MANNER AS THE  
5 ORIGINAL APPOINTMENT FOR THE REMAINDER OF THE UNEXPIRED TERM.

6 (3) EACH MEMBER OF THE BOARD SHALL RECEIVE THE  
7 COMPENSATION PROVIDED FOR IN SECTION 12-20-103 (6).

8 (4) A BOARD MEMBER SHALL NOT PARTICIPATE IN ANY MATTER  
9 BEFORE THE BOARD IN WHICH THE MEMBER HAS A PECUNIARY INTEREST OR  
10 SIMILAR CONFLICT OF INTEREST.

11 (5) THE GOVERNOR MAY REMOVE A BOARD MEMBER FOR  
12 MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY.

13 (6) (a) THE DIRECTOR SHALL CALL THE FIRST MEETING OF THE  
14 BOARD NO LATER THAN THREE MONTHS AFTER THE GOVERNOR MAKES ALL  
15 OF THE INITIAL APPOINTMENTS TO THE BOARD.

16 (b) THREE MEMBERS OF THE BOARD CONSTITUTE A QUORUM FOR  
17 THE TRANSACTION OF ALL BUSINESS.

18 (7) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS  
19 TO SERVE FOR A TERM NOT TO EXCEED ONE YEAR. A CHAIR SHALL NOT  
20 SERVE MORE THAN THREE CONSECUTIVE TERMS.

21 **12-247-105. Powers and duties of the Colorado behavior**  
22 **analyst licensing board - rules.**

23 (1) IN ADDITION TO ALL OTHER POWERS AND DUTIES CONFERRED  
24 UPON THE BOARD BY THIS ARTICLE 247, THE BOARD HAS THE FOLLOWING  
25 POWERS AND DUTIES:

26 (a) ADMINISTER, COORDINATE, AND ENFORCE THIS ARTICLE 247;

27 (b) ADOPT, AMEND, OR REPEAL RULES TO ADMINISTER AND

1 ENFORCE THIS ARTICLE 247;

2 (c) ESTABLISH AND DETERMINE THE QUALIFICATION AND FITNESS  
3 OF APPLICANTS FOR LICENSURE UNDER THIS ARTICLE 247;

4 (d) ISSUE, RENEW, DENY, SUSPEND, REVOKE, OR REFUSE TO ISSUE  
5 OR RENEW ANY LICENSE IN ACCORDANCE WITH THIS ARTICLE 247; AND

6 (e) CHARGE FEES PURSUANT TO SECTION 12-20-105.

7 (2) THIS ARTICLE 247 APPLIES TO THE PRACTICE OF APPLIED  
8 BEHAVIOR ANALYSIS IN ALL SETTINGS. NOTHING IN THIS ARTICLE 247  
9 AUTHORIZES THE BOARD TO REGULATE APPLIED BEHAVIOR ANALYSIS  
10 CLINICS LICENSED PURSUANT TO SECTIONS 26-6-905 AND 26-6-909.5.

11 **12-247-106. License required - title protection - behavior**  
12 **technician providing applied behavior analysis services.**

13 (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 12-247-113, AN  
14 INDIVIDUAL SHALL NOT ENGAGE IN OR OFFER TO PROVIDE THE PRACTICE  
15 OF APPLIED BEHAVIOR ANALYSIS UNLESS THE INDIVIDUAL IS LICENSED  
16 UNDER THIS ARTICLE 247.

17 (2) (a) AN INDIVIDUAL SHALL NOT DESIGNATE THEMSELVES OR  
18 HOLD THEMSELF OUT AS A LICENSED BEHAVIOR ANALYST UNLESS THE  
19 INDIVIDUAL IS LICENSED AS A LICENSED BEHAVIOR ANALYST UNDER THIS  
20 ARTICLE 247.

21 (b) AN INDIVIDUAL SHALL NOT DESIGNATE THEMSELVES OR HOLD  
22 THEMSELF OUT AS A LICENSED ASSISTANT BEHAVIOR ANALYST UNLESS THE  
23 INDIVIDUAL IS LICENSED AS A LICENSED ASSISTANT BEHAVIOR ANALYST  
24 UNDER THIS ARTICLE 247.

25 (3) (a) A BEHAVIOR TECHNICIAN PROVIDING APPLIED BEHAVIOR  
26 ANALYSIS SERVICES UNDER THE SUPERVISION OF A LICENSED BEHAVIOR  
27 ANALYST OR A LICENSED ASSISTANT BEHAVIOR ANALYST PURSUANT TO

1 SECTION 12-247-113 (1)(b) SHALL NOT REPRESENT THEMSELVES AS A  
2 PROFESSIONAL BEHAVIOR ANALYST AND SHALL USE A TITLE THAT  
3 INDICATES THEIR NONPROFESSIONAL STATUS, SUCH AS "ABA  
4 TECHNICIAN", "BEHAVIOR TECHNICIAN", OR "TUTOR".

5 (b) A BEHAVIOR TECHNICIAN MAY USE THE TITLE OF A CURRENT,  
6 VALID CREDENTIAL THEY POSSESS THAT HAS BEEN ISSUED BY A  
7 CERTIFYING ENTITY, SUCH AS "REGISTERED BEHAVIOR TECHNICIAN", IF  
8 THEY ARE PERFORMING FUNCTIONS IN ACCORDANCE WITH THE  
9 CREDENTIAL.

10 **12-247-107. Licensure of behavior analysts - qualifications -**  
11 **application - rules.**

12 (1) AN APPLICANT FOR A LICENSE AS A LICENSED BEHAVIOR  
13 ANALYST SHALL SUBMIT A COMPLETED APPLICATION AS REQUIRED BY THE  
14 BOARD BY RULE AND SHALL:

15 (a) HAVE A CURRENT, VALID CERTIFICATION IN GOOD STANDING  
16 WITH A CERTIFYING ENTITY AS A CERTIFIED BEHAVIOR ANALYST OR  
17 CERTIFIED BEHAVIOR ANALYST-DOCTORAL; AND

18 (b) COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
19 CHECK IN ACCORDANCE WITH SECTION 12-247-109.

20 (2) AFTER AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF  
21 SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL ISSUE A LICENSE TO  
22 THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY A LICENSE IF THE  
23 APPLICANT HAS COMMITTED AN ACT THAT WOULD BE GROUNDS FOR  
24 DISCIPLINARY ACTION UNDER SECTION 12-247-115.

25 **12-247-108. Licensure of assistant behavior analysts -**  
26 **qualifications - application - rules.**

27 (1) AN APPLICANT FOR A LICENSE AS A LICENSED ASSISTANT

1 BEHAVIOR ANALYST SHALL SUBMIT A COMPLETED APPLICATION AS  
2 REQUIRED BY THE BOARD BY RULE AND SHALL:

3 (a) HAVE A CURRENT, VALID CERTIFICATION IN GOOD STANDING  
4 WITH A CERTIFYING ENTITY AS A CERTIFIED ASSISTANT BEHAVIOR  
5 ANALYST;

6 (b) COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
7 CHECK IN ACCORDANCE WITH SECTION 12-247-109; AND

8 (c) BE SUPERVISED BY A LICENSED BEHAVIOR ANALYST WHO IS  
9 APPROVED AS A SUPERVISOR BY A CERTIFYING ENTITY, IN ACCORDANCE  
10 WITH THE CERTIFYING ENTITY'S APPLICABLE SUPERVISION STANDARDS.

11 (2) AFTER AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF  
12 SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL ISSUE A LICENSE TO  
13 THE APPLICANT; EXCEPT THAT THE BOARD MAY DENY A LICENSE IF THE  
14 APPLICANT HAS COMMITTED AN ACT THAT WOULD BE GROUNDS FOR  
15 DISCIPLINARY ACTION UNDER SECTION 12-247-115.

16 **12-247-109. Fingerprint-based criminal history record check.**

17 (1) AN APPLICANT FOR A LICENSE PURSUANT TO THIS ARTICLE 247  
18 SHALL SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
19 CHECK. THE APPLICANT MUST PAY THE COSTS ASSOCIATED WITH THE  
20 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

21 (2) AN APPLICANT SHALL HAVE THE APPLICANT'S FINGERPRINTS  
22 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY  
23 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE  
24 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
25 CHECK. THE APPLICANT SHALL AUTHORIZE THE ENTITY TAKING THE  
26 APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT,  
27 THE COMPLETE SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO

1 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A  
2 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

3 (3) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S  
4 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED  
5 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN  
6 EQUIPMENT. AN APPROVED THIRD PARTY SHALL NOT KEEP THE  
7 APPLICANT'S INFORMATION FOR MORE THAN THIRTY DAYS AFTER THE  
8 APPLICANT'S FINGERPRINTS ARE TAKEN BY THE APPROVED THIRD PARTY.

9 (4) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE  
10 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD  
11 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF  
12 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL  
13 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A  
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO  
15 BUREAU OF INVESTIGATION, APPLICANT, DEPARTMENT, AND ENTITY  
16 TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF  
17 INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY  
18 RECORD CHECK.

19 (5) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN  
20 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE  
21 DEPARTMENT, AND THE BOARD IS AUTHORIZED TO RECEIVE THE RESULTS  
22 OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD  
23 CHECK. THE DEPARTMENT SHALL USE THE INFORMATION RESULTING FROM  
24 THE CRIMINAL HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE  
25 WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO  
26 THIS ARTICLE 247.

27 (6) IF THE FEDERAL BUREAU OF INVESTIGATION IS UNABLE TO

1 COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
2 AN APPLICANT, THE COLORADO BUREAU OF INVESTIGATION SHALL INFORM  
3 THE DEPARTMENT, AND THE DEPARTMENT MAY CONDUCT A CRIMINAL  
4 HISTORY RECORD CHECK OF THE APPLICANT USING THE COLORADO  
5 BUREAU OF INVESTIGATION'S RECORDS AS A SUBSTITUTE FOR THE  
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REQUIRED IN THIS  
7 ARTICLE 247.

8 (7) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK  
9 OF AN APPLICANT PERFORMED PURSUANT TO THIS ARTICLE 247 REVEAL A  
10 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL  
11 REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD  
12 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

13 **12-247-110. Issuance, expiration, and renewal of licenses -**  
14 **rules.**

15 (1) LICENSES ISSUED PURSUANT TO THIS ARTICLE 247 ARE VALID  
16 FOR A PERIOD AS DETERMINED PURSUANT TO SECTION 12-20-202.

17 (2) (a) PRIOR TO THE EXPIRATION OF A LICENSE, THE BOARD MAY  
18 RENEW A LICENSE ISSUED PURSUANT TO THIS ARTICLE 247 IF:

19 (I) THE LICENSEE SUBMITS A COMPLETED APPLICATION FOR  
20 RENEWAL TO THE BOARD AS REQUIRED BY THE BOARD BY RULE; AND

21 (II) THE BOARD VERIFIES THE LICENSEE'S CERTIFICATION BY A  
22 CERTIFYING ENTITY.

23 (b) A LICENSE ISSUED PURSUANT TO THIS ARTICLE 247 IS SUBJECT  
24 TO A GRACE PERIOD AFTER THE EXPIRATION OF THE LICENSE PURSUANT TO  
25 SECTION 12-20-202 (1)(e).

26 **12-247-111. Licensure by endorsement.**

27 THE BOARD SHALL ISSUE A LICENSE BY ENDORSEMENT TO AN

1 APPLICANT WHO SATISFIES THE REQUIREMENTS OF THE OCCUPATIONAL  
2 CREDENTIAL PORTABILITY PROGRAM DESCRIBED IN SECTION 12-20-202 (3).

3 **12-247-112. Supervision of licensed assistant behavior analysts**  
4 **- rules.**

5 (1) A LICENSED ASSISTANT BEHAVIOR ANALYST SHALL PRACTICE  
6 ONLY UNDER THE SUPERVISION OF A LICENSED BEHAVIOR ANALYST.

7 (2) A LICENSED BEHAVIOR ANALYST SHALL SUPERVISE A LICENSED  
8 ASSISTANT BEHAVIOR ANALYST IN ACCORDANCE WITH THE RULES OF THE  
9 BOARD.

10 (3) A LICENSED ASSISTANT BEHAVIOR ANALYST SHALL PRACTICE  
11 WITHIN THE SCOPE OF PRACTICE ESTABLISHED BY THE RULES OF THE  
12 BOARD.

13 **12-247-113. Scope of article - exclusions.**

14 (1) THIS ARTICLE 247 DOES NOT PROHIBIT OR RESTRICT THE  
15 PRACTICE OF THE FOLLOWING:

16 (a) A HEALTH-CARE PROFESSIONAL LICENSED, CERTIFIED, OR  
17 REGISTERED UNDER THIS TITLE 12 AND PRACTICING IN THIS STATE AND  
18 ANY INDIVIDUAL PRACTICING UNDER THEIR SUPERVISION IN ACCORDANCE  
19 WITH THIS TITLE 12, IF:

20 (I) APPLIED BEHAVIOR ANALYSIS IS WITHIN THE SCOPE OF  
21 PRACTICE APPLICABLE TO THE INDIVIDUAL UNDER THIS TITLE 12;

22 (II) THE APPLIED BEHAVIOR ANALYSIS SERVICES PROVIDED ARE  
23 WITHIN THE SCOPE OF THE LICENSED HEALTH-CARE PROFESSIONAL'S  
24 EDUCATION, TRAINING, AND COMPETENCE; AND

25 (III) THE LICENSED, CERTIFIED, OR REGISTERED HEALTH-CARE  
26 PROFESSIONAL OR SUPERVISEE DOES NOT REPRESENT THEMSELVES USING  
27 TITLES PROTECTED UNDER SECTION 12-247-106;

1 (b) A BEHAVIOR TECHNICIAN FROM PROVIDING APPLIED BEHAVIOR  
2 ANALYSIS SERVICES UNDER THE SUPERVISION OF A LICENSED BEHAVIOR  
3 ANALYST OR A LICENSED ASSISTANT BEHAVIOR ANALYST;

4 (c) A CAREGIVER OF A RECIPIENT OF APPLIED BEHAVIOR ANALYSIS  
5 SERVICES WHO PROVIDES APPLIED BEHAVIOR ANALYSIS SERVICES UNDER  
6 THE AUTHORITY AND DIRECTION OF A LICENSED BEHAVIOR ANALYST OR A  
7 LICENSED ASSISTANT BEHAVIOR ANALYST. THE CAREGIVER SHALL NOT  
8 REPRESENT THEMSELVES AS A LICENSED BEHAVIOR ANALYST OR LICENSED  
9 ASSISTANT BEHAVIOR ANALYST.

10 (d) A MATRICULATED COLLEGE OR UNIVERSITY STUDENT OR  
11 POSTDOCTORAL FELLOW WHOSE APPLIED BEHAVIOR ANALYSIS ACTIVITIES  
12 ARE PART OF A DEFINED PROGRAM OF STUDY, COURSE, PRACTICUM,  
13 INTERNSHIP, OR FELLOWSHIP AND ARE DIRECTLY SUPERVISED BY A  
14 LICENSED BEHAVIOR ANALYST OR A QUALIFIED FACULTY MEMBER  
15 LOCATED IN THIS STATE. THE STUDENT OR FELLOW SHALL NOT REPRESENT  
16 THEMSELVES AS A LICENSED BEHAVIOR ANALYST OR LICENSED ASSISTANT  
17 BEHAVIOR ANALYST AND SHALL USE A TITLE THAT CLEARLY INDICATES  
18 THEIR TRAINEE STATUS, SUCH AS "STUDENT", "INTERN", OR "TRAINEE".

19 (e) UNLICENSED INDIVIDUALS FROM PURSUING EXPERIENCE IN  
20 APPLIED BEHAVIOR ANALYSIS CONSISTENT WITH THE EXPERIENCE  
21 REQUIREMENTS OF THE BOARD, PROVIDED THE EXPERIENCE IS SUPERVISED  
22 IN ACCORDANCE WITH THE REQUIREMENTS OF THE BOARD; AND

23 (f) AN INDIVIDUAL EMPLOYED BY A SCHOOL, AS DEFINED IN  
24 SECTION 22-1-132 (2)(c), PERFORMING THE DUTIES OF THEIR POSITION.  
25 SUCH AN INDIVIDUAL SHALL NOT:

26 (I) REPRESENT THEMSELVES AS A LICENSED BEHAVIOR ANALYST  
27 OR LICENSED ASSISTANT BEHAVIOR ANALYST UNLESS THEY ARE LICENSED

1 UNDER THIS ARTICLE 247;

2 (II) OFFER APPLIED BEHAVIOR ANALYSIS SERVICES TO A PERSON  
3 OTHER THAN THEIR SCHOOL EMPLOYER; OR

4 (III) ACCEPT REMUNERATION FOR PROVIDING APPLIED BEHAVIOR  
5 ANALYSIS SERVICES OTHER THAN THE REMUNERATION THEY RECEIVE  
6 FROM THEIR SCHOOL EMPLOYER.

7 **12-247-114. Continuing professional competency.**

8 (1) INDIVIDUALS LICENSED PURSUANT TO THIS ARTICLE 247 SHALL  
9 MAINTAIN THEIR PROFESSIONAL CREDENTIAL ISSUED BY A CERTIFYING  
10 ENTITY AS DESCRIBED IN SECTION 12-247-107 (1)(a) OR 12-247-108 (1)(a),  
11 AS APPLICABLE, AND SHALL PRACTICE IN ACCORDANCE WITH THE  
12 REQUIREMENTS OF THE CREDENTIAL, INCLUDING PROFESSIONAL  
13 STANDARDS, AN ETHICS CODE, AND CONTINUING EDUCATION  
14 REQUIREMENTS AND RULES APPLYING THESE STANDARDS, AS ADOPTED BY  
15 THE BOARD.

16 (2) INDIVIDUALS LICENSED PURSUANT TO THIS ARTICLE 247 SHALL  
17 IMMEDIATELY NOTIFY THE BOARD IF THEIR APPLICABLE PROFESSIONAL  
18 CREDENTIAL ISSUED BY A CERTIFYING ENTITY IS SUSPENDED OR REVOKED.

19 (3) (a) UNLESS OTHERWISE PUBLICLY AVAILABLE, RECORDS OF  
20 ASSESSMENTS OR OTHER DOCUMENTATION DEVELOPED OR SUBMITTED IN  
21 CONNECTION WITH PEER REVIEW ACTIVITIES ARE CONFIDENTIAL AND  
22 EXEMPT FROM PUBLIC INSPECTION UNDER SECTION 24-72-204 (3)(a)(IV)  
23 OR DISCOVERY IN CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED  
24 BEHAVIOR ANALYST OR LICENSED ASSISTANT BEHAVIOR ANALYST. THE  
25 BOARD SHALL ONLY USE THE RECORDS OR DOCUMENTS FOR PURPOSES OF  
26 DETERMINING WHETHER A LICENSED BEHAVIOR ANALYST OR LICENSED  
27 ASSISTANT BEHAVIOR ANALYST IS MAINTAINING CONTINUING

1 PROFESSIONAL COMPETENCY TO ENGAGE IN THE PROFESSION.

2 (b) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (3)(a) OF THIS  
3 SECTION, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT  
4 THE DISCOVERY OF INFORMATION OR DOCUMENTS THAT ARE OTHERWISE  
5 DISCOVERABLE UNDER THE COLORADO RULES OF CIVIL PROCEDURE IN  
6 CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED BEHAVIOR  
7 ANALYST OR LICENSED ASSISTANT BEHAVIOR ANALYST.

8 **12-247-115. Disciplinary action - grounds for discipline.**

9 (1) THE BOARD MAY TAKE DISCIPLINARY ACTION AGAINST A  
10 LICENSEE IF THE BOARD FINDS THAT THE LICENSEE HAS REPRESENTED  
11 THAT THE LICENSEE IS A LICENSED BEHAVIOR ANALYST OR LICENSED  
12 ASSISTANT BEHAVIOR ANALYST AFTER THE EXPIRATION, SUSPENSION, OR  
13 REVOCATION OF THE LICENSEE'S LICENSE, UNLESS THE INDIVIDUAL IS  
14 SUBJECT TO A GRACE PERIOD AFTER THE EXPIRATION OF A LICENSE  
15 PURSUANT TO SECTION 12-20-202 (1)(e).

16 (2) PURSUANT TO PART 4 OF ARTICLE 20 OF THIS TITLE 12, THE  
17 BOARD MAY DENY OR REFUSE TO RENEW A LICENSE, SUSPEND OR REVOKE  
18 A LICENSE, IMPOSE PROBATIONARY CONDITIONS ON A LICENSE, ISSUE A  
19 CEASE-AND-DESIST LETTER, OR SEEK INJUNCTIVE RELIEF AGAINST A  
20 LICENSEE OR AN APPLICANT FOR LICENSURE WHO HAS ENGAGED IN ONE OR  
21 MORE OF THE FOLLOWING GROUNDS FOR DISCIPLINE OR UNPROFESSIONAL  
22 CONDUCT:

23 (a) ENGAGING IN CONDUCT INVOLVING FRAUD, DECEIT,  
24 MISREPRESENTATION, OR CONCEALMENT OF MATERIAL FACTS IN  
25 OBTAINING OR ATTEMPTING TO OBTAIN A LICENSE OR THE RENEWAL OF A  
26 LICENSE;

27 (b) (I) FAILING TO NOTIFY THE BOARD, AS REQUIRED BY SECTION

1 12-30-108 (1), OF A PHYSICAL ILLNESS, PHYSICAL CONDITION, OR  
2 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER THAT  
3 IMPACTS THE LICENSEE'S ABILITY TO PROVIDE APPLIED BEHAVIOR  
4 ANALYSIS SERVICES WITH REASONABLE SKILL AND SAFETY OR THAT MAY  
5 ENDANGER THE HEALTH OR SAFETY OF INDIVIDUALS RECEIVING SERVICES;

6 (II) FAILING TO ACT WITHIN THE LIMITATIONS CREATED BY A  
7 PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL, MENTAL  
8 HEALTH, OR SUBSTANCE USE DISORDER THAT RENDERS THE PERSON  
9 UNABLE TO PRACTICE APPLIED BEHAVIOR ANALYSIS WITH REASONABLE  
10 SKILL AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF  
11 INDIVIDUALS UNDER THE LICENSEE'S CARE;

12 (III) FAILING TO COMPLY WITH THE LIMITATIONS AGREED TO  
13 UNDER A CONFIDENTIAL AGREEMENT ENTERED INTO PURSUANT TO  
14 SECTIONS 12-30-108 AND 12-247-119; OR

15 (IV) REFUSING TO SUBMIT TO A PHYSICAL OR MENTAL  
16 EXAMINATION WHEN ORDERED BY THE BOARD PURSUANT TO SECTION  
17 12-247-118;

18 (c) (I) VIOLATING THE REQUIREMENTS OF SECTION 12-247-114 OR  
19 FAILING TO NOTIFY THE BOARD OF THE SUSPENSION OR REVOCATION OF  
20 THE INDIVIDUAL'S PAST OR CURRENTLY HELD LICENSE, CERTIFICATE, OR  
21 REGISTRATION REQUIRED TO PRACTICE APPLIED BEHAVIOR ANALYSIS IN  
22 THIS STATE OR ANY OTHER JURISDICTION; OR

23 (II) HAVING A LICENSE, CERTIFICATE, OR REGISTRATION  
24 SUSPENDED OR REVOKED FOR AN ACTION THAT VIOLATES THIS ARTICLE  
25 247;

26 (d) BEING CONVICTED OF OR PLEADING GUILTY OR NOLO  
27 CONTENDERE TO A FELONY OR COMMITTING AN ACT SPECIFIED IN SECTION

1 12-247-106. IN CONSIDERING THE DISCIPLINARY ACTION, THE BOARD IS  
2 GOVERNED BY SECTIONS 12-20-202 (5) AND 24-5-101.

3 (e) ADMINISTERING TREATMENT WITHOUT CLINICAL JUSTIFICATION  
4 THAT IS DEMONSTRABLY UNNECESSARY;

5 (f) COMMITTING AN ACT OR OMISSION THAT IS CONTRARY TO  
6 GENERALLY ACCEPTED STANDARDS OF THE PRACTICE OF APPLIED  
7 BEHAVIOR ANALYSIS;

8 (g) ENGAGING IN IMMORAL, DISHONORABLE, UNPROFESSIONAL, OR  
9 UNETHICAL CONDUCT AS DESCRIBED IN THIS ARTICLE 247 OR IN BOARD  
10 RULES;

11 (h) FAILING TO PROVIDE SUPERVISION OF A LICENSED ASSISTANT  
12 BEHAVIOR ANALYST, A BEHAVIOR TECHNICIAN, OR ANY UNLICENSED  
13 INDIVIDUAL IN THE PRACTICE OF APPLIED BEHAVIOR ANALYSIS; OR

14 (i) OTHERWISE VIOLATING THIS ARTICLE 247 OR ANY LAWFUL  
15 ORDER OR RULE OF THE BOARD.

16 (3) (a) THE BOARD MAY COMMENCE A PROCEEDING TO DISCIPLINE  
17 A LICENSEE UPON RECEIPT OF A COMPLAINT AGAINST A LICENSEE OR BY A  
18 MOTION OF THE BOARD IF THE BOARD HAS REASONABLE GROUNDS TO  
19 BELIEVE THAT THE LICENSEE HAS COMMITTED AN ACT OR OMISSION  
20 DESCRIBED IN THIS SECTION OR HAS VIOLATED A LAWFUL ORDER OR RULE  
21 OF THE BOARD.

22 (b) IN ANY PROCEEDING COMMENCED UNDER THIS SECTION, THE  
23 BOARD MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION  
24 A DISCIPLINARY ACTION TAKEN AGAINST A LICENSEE, CERTIFICANT, OR  
25 REGISTRANT IN ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED  
26 THE DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD BE  
27 GROUNDS FOR DISCIPLINARY ACTION UNDER THIS ARTICLE 247 OR A RULE

1 ADOPTED BY THE BOARD.

2 (4) (a) THE BOARD SHALL CONDUCT DISCIPLINARY PROCEEDINGS  
3 IN ACCORDANCE WITH SECTION 12-20-403 AND ARTICLE 4 OF TITLE 24.  
4 THE BOARD MAY EXERCISE ALL POWERS AND DUTIES CONFERRED BY THIS  
5 ARTICLE 247 DURING THE DISCIPLINARY PROCEEDINGS.

6 (b) NO LATER THAN THIRTY DAYS AFTER THE DATE OF THE  
7 BOARD'S DISCIPLINARY ACTION, THE BOARD SHALL NOTIFY A LICENSEE  
8 DISCIPLINED UNDER THIS SECTION OF THE DISCIPLINARY ACTION, THE  
9 SPECIFIC ALLEGATIONS GIVING RISE TO THE ACTION, AND THE LICENSEE'S  
10 RIGHT TO REQUEST A HEARING ON THE ACTION TAKEN. THE BOARD SHALL  
11 PROVIDE THE NOTICE BY SENDING AN EMAIL TO THE MOST RECENT EMAIL  
12 ADDRESS PROVIDED TO THE BOARD BY THE LICENSEE, IF THE LICENSEE  
13 CONFIRMS RECEIPT OF THE EMAIL WITHIN SEVEN DAYS. IF THE LICENSEE  
14 DOES NOT CONFIRM RECEIPT OF THE EMAIL WITHIN SEVEN DAYS, THE  
15 BOARD SHALL SEND THE NOTICE TO THE LICENSEE THROUGH CERTIFIED OR  
16 FIRST-CLASS UNITED STATES MAIL, RETURN RECEIPT REQUESTED.

17 (c) WITHIN THIRTY DAYS AFTER THE BOARD SENDS THE NOTICE  
18 DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION, THE LICENSEE MAY  
19 FILE A WRITTEN REQUEST WITH THE BOARD FOR A HEARING ON THE  
20 DISCIPLINARY ACTION TAKEN. UPON RECEIPT OF THE REQUEST, THE BOARD  
21 SHALL GRANT A HEARING TO THE LICENSEE. IF THE LICENSEE FAILS TO FILE  
22 A WRITTEN REQUEST FOR A HEARING WITHIN THIRTY DAYS AFTER THE  
23 LICENSEE CONFIRMS RECEIPT OF THE EMAIL OR AFTER THE LICENSEE  
24 RECEIVES THE NOTICE SENT VIA CERTIFIED OR FIRST-CLASS UNITED  
25 STATES MAIL, WHICHEVER IS LATER, THE DISCIPLINARY ACTION OF THE  
26 BOARD BECOMES FINAL ON THE THIRTY-FIRST DAY AFTER THE BOARD SENT  
27 THE NOTICE DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION.

1           (d) A LICENSEE'S FAILURE TO APPEAR AT A HEARING WITHOUT  
2 GOOD CAUSE IS DEEMED A WITHDRAWAL OF THE LICENSEE'S REQUEST FOR  
3 A HEARING, AND THE BOARD'S DISCIPLINARY ACTION BECOMES FINAL ON  
4 THE HEARING DATE. THE BOARD'S FAILURE TO APPEAR AT A HEARING  
5 WITHOUT GOOD CAUSE IS DEEMED CAUSE TO DISMISS THE DISCIPLINARY  
6 PROCEEDING.

7           (5) INVESTIGATIONS, EXAMINATIONS, HEARINGS, MEETINGS, OR  
8 ANY OTHER PROCEEDINGS OF THE BOARD CONDUCTED PURSUANT TO THIS  
9 SECTION ARE EXEMPT FROM ANY LAW REQUIRING THAT PROCEEDINGS OF  
10 THE BOARD BE CONDUCTED PUBLICLY OR THAT THE MINUTES OR RECORDS  
11 OF THE BOARD WITH RESPECT TO ACTION OF THE BOARD TAKEN PURSUANT  
12 TO THIS SECTION BE OPEN TO PUBLIC INSPECTION. THIS SUBSECTION (5)  
13 DOES NOT APPLY TO INVESTIGATIONS, EXAMINATIONS, HEARINGS,  
14 MEETINGS, OR ANY OTHER PROCEEDINGS OR RECORDS OF THE BOARD  
15 RELATED TO THE UNLICENSED PRACTICE OF APPLIED BEHAVIOR ANALYSIS.

16           (6) THE BOARD MAY SEEK AN INJUNCTION IN ACCORDANCE WITH  
17 SECTION 12-20-406 TO ENJOIN A PERSON FROM COMMITTING AN ACT  
18 PROHIBITED BY THIS ARTICLE 247.

19           (7) A FINAL ACTION OF THE BOARD IS SUBJECT TO JUDICIAL REVIEW  
20 PURSUANT TO SECTION 12-20-408.

21           (8) AN EMPLOYER OF A LICENSEE SHALL REPORT TO THE BOARD  
22 ANY DISCIPLINARY ACTION TAKEN AGAINST THE LICENSEE OR IF THE  
23 LICENSEE RESIGNS FROM THE EMPLOYER'S EMPLOYMENT IN LIEU OF  
24 DISCIPLINARY ACTION FOR CONDUCT THAT VIOLATES THIS ARTICLE 247.

25           (9) THE BOARD MAY ISSUE A CEASE-AND-DESIST ORDER UNDER  
26 THE CIRCUMSTANCES AND IN ACCORDANCE WITH THE PROCEDURES  
27 SPECIFIED IN SECTION 12-20-405.

1           (10) THE BOARD MAY SEND A LETTER OF ADMONITION TO A  
2 LICENSEE UNDER THE CIRCUMSTANCES SPECIFIED IN AND IN ACCORDANCE  
3 WITH SECTION 12-20-404 (4).

4           (11) THE BOARD MAY SEND A CONFIDENTIAL LETTER OF CONCERN  
5 TO A LICENSEE UNDER THE CIRCUMSTANCES SPECIFIED IN SECTION  
6 12-20-404 (5).

7           **12-247-116. Unauthorized practice - penalties.**

8           AN INDIVIDUAL WHO PRACTICES OR OFFERS OR ATTEMPTS TO  
9 PRACTICE APPLIED BEHAVIOR ANALYSIS WITHOUT AN ACTIVE LICENSE AS  
10 REQUIRED BY AND ISSUED UNDER THIS ARTICLE 247 IS SUBJECT TO  
11 PENALTIES PURSUANT TO SECTION 12-20-407 (1)(b), UNLESS THE  
12 INDIVIDUAL IS SUBJECT TO A GRACE PERIOD AFTER THE EXPIRATION OF A  
13 LICENSE PURSUANT TO SECTION 12-20-202 (1)(e).

14           **12-247-117. Rules.**

15           THE BOARD MAY ADOPT RULES TO IMPLEMENT THIS ARTICLE 247  
16 PURSUANT TO SECTION 12-20-204.

17           **12-247-118. Mental and physical examination of licensees.**

18           (1) IF THE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT A  
19 LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY,  
20 THE BOARD MAY ORDER THE LICENSEE TO TAKE A MENTAL OR PHYSICAL  
21 EXAMINATION ADMINISTERED BY A PHYSICIAN OR OTHER LICENSED  
22 HEALTH-CARE PROFESSIONAL DESIGNATED BY THE BOARD. EXCEPT WHERE  
23 DUE TO CIRCUMSTANCES BEYOND THE LICENSEE'S CONTROL, IF THE  
24 LICENSEE FAILS OR REFUSES TO UNDERGO A MENTAL OR PHYSICAL  
25 EXAMINATION, THE BOARD SHALL PROCEED WITH AN ORDER FOR  
26 EXAMINATION AND SHALL MAKE A DETERMINATION IN A TIMELY MANNER.

27           (2) IN AN ORDER REQUIRING A LICENSEE TO UNDERGO A MENTAL

1 OR PHYSICAL EXAMINATION, THE BOARD SHALL STATE THE BASIS OF THE  
2 BOARD'S REASONABLE CAUSE TO BELIEVE THAT THE LICENSEE IS UNABLE  
3 TO PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR THE PURPOSE OF  
4 A DISCIPLINARY PROCEEDING AUTHORIZED UNDER THIS ARTICLE 247, THE  
5 LICENSEE IS DEEMED TO HAVE WAIVED ALL OBJECTIONS TO THE  
6 ADMISSIBILITY OF THE EXAMINING PHYSICIAN'S OR LICENSED  
7 HEALTH-CARE PROFESSIONAL'S TESTIMONY OR EXAMINATION REPORTS ON  
8 THE GROUNDS THAT THEY ARE PRIVILEGED COMMUNICATION.

9 (3) THE LICENSEE MAY SUBMIT TO THE BOARD TESTIMONY OR  
10 EXAMINATION REPORTS FROM A PHYSICIAN OR OTHER LICENSED  
11 HEALTH-CARE PROFESSIONAL CHOSEN BY THE LICENSEE AND PERTAINING  
12 TO ANY CONDITION THAT THE BOARD HAS ALLEGED MAY PRECLUDE THE  
13 LICENSEE FROM PRACTICING WITH REASONABLE SKILL AND SAFETY. THE  
14 BOARD MAY CONSIDER THE TESTIMONY AND REPORTS SUBMITTED BY THE  
15 LICENSEE IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND  
16 EXAMINATION REPORTS OF THE PHYSICIAN OR OTHER LICENSED  
17 HEALTH-CARE PROFESSIONAL DESIGNATED BY THE BOARD.

18 (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION  
19 ORDERED BY THE BOARD SHALL NOT BE USED AS EVIDENCE IN ANY  
20 PROCEEDING OTHER THAN ONE BEFORE THE BOARD AND SHALL NOT BE  
21 DEEMED A PUBLIC RECORD OR MADE AVAILABLE TO THE PUBLIC.

22 **12-247-119. Confidential agreement to limit practice.**

23 SECTION 12-30-108 CONCERNING CONFIDENTIAL AGREEMENTS TO  
24 LIMIT PRACTICE APPLIES TO THIS ARTICLE 247.

25 **12-247-120. Professional liability insurance required - rules.**

26 (1) AN INDIVIDUAL LICENSED UNDER THIS ARTICLE 247 SHALL NOT  
27 PRACTICE APPLIED BEHAVIOR ANALYSIS UNLESS THE INDIVIDUAL IS

1 COVERED BY PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT  
2 DETERMINED BY THE BOARD BY RULE THAT COVERS ALL ACTS WITHIN THE  
3 SCOPE OF PRACTICE OF THE LICENSED BEHAVIOR ANALYST OR LICENSED  
4 ASSISTANT BEHAVIOR ANALYST.

5 (2) THIS SECTION DOES NOT APPLY TO A LICENSED BEHAVIOR  
6 ANALYST OR LICENSED ASSISTANT BEHAVIOR ANALYST WHO IS A PUBLIC  
7 EMPLOYEE ACTING WITHIN THE COURSE AND SCOPE OF THE PUBLIC  
8 EMPLOYEE'S DUTIES AND WHO IS GRANTED IMMUNITY UNDER THE  
9 "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

10 **12-247-121. Repeal of article - review of functions.**

11 THIS ARTICLE 247 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.  
12 BEFORE THE REPEAL, THIS ARTICLE 247 IS SCHEDULED FOR REVIEW IN  
13 ACCORDANCE WITH SECTION 24-34-104.

14 **SECTION 3.** In Colorado Revised Statutes, 12-20-407, **amend**  
15 (1)(a)(V)(W) and (1)(a)(V)(X); and **add** (1)(a)(V)(Y) as follows:

16 **12-20-407. Unauthorized practice of profession or occupation**  
17 **- penalties - exclusions.**

18 (1) (a) A person commits a class 2 misdemeanor and shall be  
19 punished as provided in section 18-1.3-501 if the person:

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

24 (W) Veterinary medicine or as a veterinary technician or  
25 veterinary professional associate, as regulated under article 315 of this  
26 title 12; ~~or~~

27 (X) Facilitating natural medicine services, as regulated under

1 article 170 of this title 12; OR

2 (Y) APPLIED BEHAVIOR ANALYSIS, AS REGULATED UNDER ARTICLE  
3 247 OF THIS TITLE 12.

4 **SECTION 4.** In Colorado Revised Statutes, 24-34-104, **add**  
5 (32)(a)(XVI) as follows:

6 **24-34-104. General assembly review of regulatory agencies**  
7 **and functions for repeal, continuation, or reestablishment - legislative**  
8 **declaration - repeal.**

9 (32) (a) The following agencies, functions, or both, are scheduled  
10 for repeal on September 1, 2031:

11 (XVI) THE REGULATION OF APPLIED BEHAVIOR ANALYSIS, IN  
12 ACCORDANCE WITH ARTICLE 247 OF TITLE 12.

13 **SECTION 5.** In Colorado Revised Statutes, **add** 25.5-4-436 as  
14 follows:

15 **25.5-4-436. Registered behavior technicians - reimbursement**  
16 **- definitions.**

17 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
18 REQUIRES:

19 (a) "APPLIED BEHAVIOR ANALYSIS" HAS THE MEANING SET FORTH  
20 IN SECTION 12-247-103 (1).

21 (b) "AUTISM SPECTRUM DISORDER":

22 (I) HAS THE SAME MEANING AS SET FORTH IN THE MOST RECENT  
23 EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL  
24 DISORDERS IN EFFECT AT THE TIME OF THE DIAGNOSIS; AND

25 (II) INCLUDES THE FOLLOWING DISORDERS, AS THE DISORDERS ARE  
26 DEFINED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND  
27 STATISTICAL MANUAL OF MENTAL DISORDERS IN EFFECT AT THE TIME OF

1 THE DIAGNOSIS:

2 (A) AUTISM SPECTRUM DISORDER;

3 (B) AUTISTIC DISORDER;

4 (C) ASPERGER'S DISORDER; AND

5 (D) ATYPICAL AUTISM AS A DIAGNOSIS WITHIN PERVASIVE  
6 DEVELOPMENTAL DISORDER NOT OTHERWISE SPECIFIED.

7 (c) "BOARD CERTIFIED ASSISTANT BEHAVIOR ANALYST" MEANS AN  
8 INDIVIDUAL WHO IS DESIGNATED AS A "BOARD CERTIFIED ASSISTANT  
9 BEHAVIOR ANALYST" BY A CERTIFYING ENTITY AND WHO IS LICENSED  
10 PURSUANT TO SECTION 12-247-108 WHEN REQUIRED BY SECTION  
11 12-247-106.

12 (d) "BOARD CERTIFIED BEHAVIOR ANALYST" MEANS AN  
13 INDIVIDUAL WHO IS CERTIFIED AS A "BOARD CERTIFIED BEHAVIOR  
14 ANALYST" BY A CERTIFYING ENTITY AND WHO IS LICENSED PURSUANT TO  
15 SECTION 12-247-107 WHEN REQUIRED BY SECTION 12-247-106.

16 (e) "BOARD CERTIFIED BEHAVIOR ANALYST-DOCTORAL" MEANS AN  
17 INDIVIDUAL WHO IS CERTIFIED AS A "BOARD CERTIFIED BEHAVIOR  
18 ANALYST" BY A CERTIFYING ENTITY, HAS RECEIVED A "BOARD CERTIFIED  
19 BEHAVIOR ANALYST-DOCTORAL" DESIGNATION FROM A CERTIFYING  
20 ENTITY, AND IS LICENSED PURSUANT TO SECTION 12-247-107 WHEN  
21 REQUIRED BY SECTION 12-247-106.

22 (f) "CERTIFYING ENTITY" HAS THE MEANING SET FORTH SECTION  
23 12-247-103 (7).

24 (g) "REGISTERED BEHAVIOR TECHNICIAN" MEANS A BEHAVIOR  
25 TECHNICIAN, AS DEFINED IN SECTION 12-247-103 (2), WHO IS CERTIFIED BY  
26 A CERTIFYING ENTITY AND WHO DELIVERS APPLIED BEHAVIOR ANALYSIS  
27 SERVICES IN COMPLIANCE WITH ARTICLE 247 OF TITLE 12 UNDER THE

1 SUPERVISION OF:

2 (I) A LICENSED PSYCHOLOGIST;

3 (II) A BOARD CERTIFIED BEHAVIOR ANALYST;

4 (III) A BOARD CERTIFIED BEHAVIOR ANALYST-DOCTORAL; OR

5 (IV) A BOARD CERTIFIED ASSISTANT BEHAVIOR ANALYST.

6 (2) THE STATE DEPARTMENT SHALL REIMBURSE THE APPLICABLE  
7 APPLIED BEHAVIOR ANALYSIS PROVIDER FOR APPLIED BEHAVIOR ANALYSIS  
8 SERVICES PROVIDED BY A REGISTERED BEHAVIOR TECHNICIAN TO A  
9 MEMBER WITH AUTISM SPECTRUM DISORDER OR OTHER CONDITIONS FOR  
10 WHICH COVERAGE MAY BE AVAILABLE UNDER STATE DEPARTMENT  
11 POLICIES.

12 (3) (a) SUBJECT TO SUBSECTION (3)(b) OF THIS SECTION, THE  
13 STATE DEPARTMENT SHALL REIMBURSE THE APPLICABLE APPLIED  
14 BEHAVIOR ANALYSIS PROVIDER FOR APPLIED BEHAVIOR ANALYSIS  
15 SERVICES PROVIDED BY A BEHAVIOR TECHNICIAN WHO IS REQUIRED BY THE  
16 STATE DEPARTMENT TO BE CERTIFIED BY A CERTIFYING ENTITY, BUT IS NOT  
17 CERTIFIED AT THE TIME OF SERVICES, FOR SERVICES PROVIDED DURING A  
18 TEMPORARY PERIOD OF NOT LESS THAN SIXTY DAYS WHILE THE BEHAVIOR  
19 TECHNICIAN IS PURSUING THE CERTIFICATION.

20 (b) A BEHAVIOR TECHNICIAN WHO OBTAINS CERTIFICATION AFTER  
21 PROVISION OF SERVICES PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION  
22 SHALL MAINTAIN THE CERTIFICATION TO BE ELIGIBLE FOR REIMBURSEMENT  
23 BY THE STATE DEPARTMENT FOR PROVIDING APPLIED BEHAVIOR ANALYSIS  
24 SERVICES.

25 (c) AN APPLIED BEHAVIOR ANALYSIS PROVIDER SHALL OBTAIN A  
26 NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
27 (6)(d), FOR A BEHAVIOR TECHNICIAN BEFORE SEEKING REIMBURSEMENT

1 PURSUANT TO SUBSECTIONS (2) AND (3)(b) OF THIS SECTION FOR SERVICES  
2 PROVIDED BY THE BEHAVIOR TECHNICIAN.

3 **SECTION 6.** In Colorado Revised Statutes, **amend** 26-6-901 as  
4 follows:

5 **26-6-901. Short title.**

6 The short title of this part 9 is the "Foster Care, Kinship Foster  
7 Care, Residential, Day Treatment, and Child Placement Agency AND  
8 APPLIED BEHAVIOR ANALYSIS CLINIC Licensing and Certification Act".

9 **SECTION 7.** In Colorado Revised Statutes, 26-6-902, **amend**  
10 (1)(a), (1.5), and (2) as follows:

11 **26-6-902. Legislative declaration.**

12 (1) The general assembly finds that:

13 (a) The regulation, licensing, and funding of foster care homes,  
14 kinship foster care homes, residential and day treatment child care  
15 facilities, APPLIED BEHAVIOR ANALYSIS CLINICS, and child placement  
16 agencies contribute to a safe and healthy environment for children and  
17 youth;

18 (1.5) The general assembly intends that those who regulate and  
19 fund, and those who are regulated and funded, work together to meet the  
20 needs of ~~the~~ children, youth, and their families; foster care providers;  
21 kinship foster care providers; APPLIED BEHAVIOR ANALYSIS CLINICS; child  
22 placement agencies; and residential and day treatment child care facilities.

23 (2) In balancing the needs of children and their families with the  
24 needs of child placement agencies, APPLIED BEHAVIOR ANALYSIS CLINICS,  
25 and the residential and day treatment child care industry, the general  
26 assembly also recognizes the financial demands the department of human  
27 services faces in its attempt to ensure a safe and sanitary environment for

1 children of the state of Colorado who are in foster care with child  
2 placement agencies or in residential and day treatment child care  
3 facilities. In an effort to reduce the risk to children placed outside their  
4 homes while recognizing the financial constraints placed on the  
5 department, it is the intent of the general assembly that the limited  
6 resources available are focused primarily on residential and day treatment  
7 child care facilities, APPLIED BEHAVIOR ANALYSIS CLINICS, and agencies  
8 that have demonstrated that children in their care may be at higher risk.

9 **SECTION 8.** In Colorado Revised Statutes, 26-6-903, **amend** (2),  
10 (8), (11), (17), (19), and (30); and **add** (2.3), (2.5), (2.7), and (17.5) as  
11 follows:

12 **26-6-903. Definitions.**

13 As used in this part 9, unless the context otherwise requires:

14 (2) "Application" means a declaration of intent to obtain or  
15 continue a license or certificate for a residential or day treatment child  
16 care facility, ~~or~~ child placement agency, OR APPLIED BEHAVIOR ANALYSIS  
17 CLINIC.

18 (2.3) "APPLIED BEHAVIOR ANALYSIS" HAS THE MEANING SET  
19 FORTH IN SECTION 12-247-103 (1).

20 (2.5) "APPLIED BEHAVIOR ANALYSIS CLINIC" MEANS A FACILITY  
21 THAT PROVIDES APPLIED BEHAVIOR ANALYSIS THERAPY AND PROVIDES AT  
22 LEAST FOUR HOURS OF CARE BUT LESS THAN TWENTY-FOUR HOURS OF  
23 CARE EACH BUSINESS DAY TO AT LEAST THREE INDIVIDUALS WHO ARE AT  
24 LEAST EIGHTEEN MONTHS OLD BUT LESS THAN TWENTY-ONE YEARS OLD.

25 (2.7) (a) "BEHAVIORAL HEALTH" MEANS A CHILD'S MENTAL OR  
26 EMOTIONAL WELL-BEING OR A CHILD'S ACTIONS THAT AFFECT THE CHILD'S  
27 OVERALL WELLNESS.

1 (b) "BEHAVIORAL HEALTH" INCLUDES:  
2 (I) INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;  
3 (II) AUTISM SPECTRUM DISORDER, AS DEFINED IN SECTION  
4 25.5-4-436 (1)(b);  
5 (III) A RANGE OF ISSUES AND DISORDERS FROM UNHEALTHY  
6 STRESS, SUBCLINICAL CONDITIONS, AND NEURODIVERGENCE TO  
7 DIAGNOSABLE AND TREATABLE DISEASES; AND  
8 (IV) SERVICE SYSTEMS THAT ENCOMPASS THE PROMOTION OF  
9 EMOTIONAL WELL-BEING AND PREVENTION AND TREATMENT SERVICES  
10 ADDRESSING BEHAVIORAL HEALTH.

11 (8) (a) (I) "Day treatment ~~center~~ FACILITY" means a facility that:

12 (A) Except as provided in subsection (8)(a)(II) of this section,  
13 provides ~~less than twenty-four-hour care~~ AT LEAST FOUR HOURS OF CARE  
14 BUT LESS THAN TWENTY-FOUR HOURS OF CARE EACH BUSINESS DAY for  
15 groups of ~~five~~ THREE or more children who are ~~three years of age~~ AT  
16 LEAST EIGHTEEN MONTHS OLD or older but less than twenty-one years of  
17 ~~age~~ OLD; and

18 (B) Provides a structured program ~~of various types of~~  
19 ~~psycho-social and behavioral treatment to prevent or reduce the need for~~  
20 ~~placement of the child out of the home or community~~ DESIGNED TO  
21 ASSESS, TREAT, OR PROMOTE THE BEHAVIORAL HEALTH OF AN INDIVIDUAL  
22 WHO IS AT LEAST EIGHTEEN MONTHS OLD BUT LESS THAN TWENTY-ONE  
23 YEARS OLD.

24 (II) Nothing in this subsection (8) prohibits a day treatment ~~center~~  
25 FACILITY from allowing ~~a person~~ AN INDIVIDUAL who reaches twenty-one  
26 years ~~of age~~ OLD after the commencement of an academic year from  
27 attending an educational program at the day treatment ~~center~~ FACILITY

1 through the end of the semester in which the twenty-first birthday occurs  
2 or until the ~~person~~ INDIVIDUAL completes the educational program,  
3 whichever comes first.

4 (b) ~~"Day treatment center" does not include special education~~  
5 ~~programs operated by a public or private school system or programs that~~  
6 ~~are licensed by the department of early childhood for less than~~  
7 ~~twenty-four-hour care of children, such as a child care center. "DAY~~  
8 TREATMENT FACILITY" DOES NOT INCLUDE:

9 (I) A SPECIAL EDUCATION PROGRAM OR SPECIALIZED DAY SCHOOL  
10 OPERATED BY A PUBLIC OR PRIVATE SCHOOL SYSTEM; OR

11 (II) A PROGRAM THAT IS LICENSED BY THE DEPARTMENT OF EARLY  
12 CHILDHOOD OR THE DEPARTMENT OF EDUCATION PROVIDING LESS THAN  
13 TWENTY-FOUR-HOUR CARE OF CHILDREN, SUCH AS A CHILD CARE CENTER.

14 (11) "Governing body" means the individual, partnership,  
15 corporation, or association in which the ultimate authority and legal  
16 responsibility is vested for the administration and operation of a  
17 residential or day treatment child care facility, AN APPLIED BEHAVIOR  
18 ANALYSIS CLINIC, or a child placement agency.

19 (17) "License" means a legal document issued pursuant to this part  
20 9 granting permission to operate a residential or day treatment child care  
21 facility, APPLIED BEHAVIOR ANALYSIS CLINIC, or child placement agency.  
22 A license may be in the form of a provisional, probationary, permanent,  
23 or time-limited license.

24 (17.5) "LICENSED BEHAVIOR ANALYST" HAS THE MEANING SET  
25 FORTH IN SECTION 12-247-103 (9).

26 (19) "Licensing" means, except as otherwise provided in  
27 subsection (10) of this section, the process by which the department

1 approves a facility or agency for the purpose of conducting business as a  
2 residential or day treatment child care facility, ~~or~~ child placement agency,  
3 OR APPLIED BEHAVIOR ANALYSIS CLINIC.

4 (30) "Residential or day treatment child care facility" or "facility"  
5 means a residential child care facility, including a qualified residential  
6 treatment program, psychiatric residential treatment program, shelter care  
7 program, and homeless youth program; specialized group facility,  
8 including a group home and group center; day treatment ~~center~~ FACILITY;  
9 secure residential treatment center; respite child care center; or homeless  
10 youth shelter, including a host family home.

11 **SECTION 9.** In Colorado Revised Statutes, 26-6-904, **amend**  
12 (1)(c) and (1)(d); and **add** (1)(e) as follows:

13 **26-6-904. Applicability of part.**

- 14 (1) This part 9 does not apply to:
- 15 (c) Juvenile courts; ~~or~~
- 16 (d) Nursing homes that have children as residents; OR
- 17 (e) THE PRACTICE OF APPLIED BEHAVIOR ANALYSIS IN HOMES,  
18 SCHOOLS, COMMUNITY SETTINGS, OR OTHER NONCLINICAL SETTINGS.

19 **SECTION 10.** In Colorado Revised Statutes, 26-6-905, **amend**  
20 (1)(a), (4), (8)(a)(I) introductory portion, and (10) as follows:

21 **26-6-905. Licenses - out-of-state notices and consent -**  
22 **demonstration pilot program - report - rules - definition.**

23 (1) (a) Except as otherwise provided in subsection (1)(b) of this  
24 section or elsewhere in this part 9, a person shall not operate a residential  
25 or day treatment child care facility, ~~or~~ child placement agency, OR  
26 APPLIED BEHAVIOR ANALYSIS CLINIC without first being licensed by the  
27 state department to operate or maintain the facility or agency and paying

1 the prescribed fee. Except as otherwise provided in subsection (1)(c) of  
2 this section, a license that the state department issues is permanent unless  
3 otherwise revoked or suspended pursuant to section 26-6-914.

4 (4) The department shall not issue a license for a residential or day  
5 treatment child care facility OR AN APPLIED BEHAVIOR ANALYSIS CLINIC  
6 until the facilities that the applicant or licensee will operate or maintain  
7 are approved by the department of public health and environment as  
8 conforming to the sanitary standards prescribed by the department  
9 pursuant to section 25-1.5-101 (1)(h) and unless the facilities conform to  
10 fire prevention and protection requirements of local fire departments in  
11 the locality of the facility or, in lieu thereof, of the division of labor  
12 standards and statistics.

13 (8) (a) (I) The state department shall not issue a license to operate  
14 a residential or day treatment child care facility, ~~or~~ a child placement  
15 agency, OR AN APPLIED BEHAVIOR ANALYSIS CLINIC, and any license or  
16 certificate issued prior to August 7, 2006, is revoked or suspended if the  
17 applicant for the license or certificate, an affiliate of the applicant, ~~a~~  
18 ~~person~~ AN INDIVIDUAL employed by the applicant, or ~~a person~~ AN  
19 INDIVIDUAL who resides with the applicant at the facility has been  
20 convicted of:

21 (10) The state department shall not issue a license to operate a  
22 residential or day treatment child care facility, foster care home, ~~or~~ child  
23 placement agency, OR APPLIED BEHAVIOR ANALYSIS CLINIC if the person  
24 applying for the license or an affiliate of the applicant, ~~a person~~ AN  
25 INDIVIDUAL employed by the applicant, or ~~a person~~ AN INDIVIDUAL who  
26 resides with the applicant at the facility has been determined to be insane  
27 or mentally incompetent by a court of competent jurisdiction and, if the

1 court enters, pursuant to part 3 or ~~part~~ 4 of article 14 of title 15, or section  
2 27-65-110 (4) or 27-65-127, an order specifically finding that the mental  
3 incompetency or insanity is of such a degree that the applicant is  
4 incapable of operating a residential or day treatment child care facility,  
5 foster care home, APPLIED BEHAVIOR ANALYSIS CLINIC, or child placement  
6 agency, the record of such determination and entry of such order being  
7 conclusive evidence thereof.

8 **SECTION 11.** In Colorado Revised Statutes, 26-6-906, **amend**  
9 (1) and (2) introductory portion as follows:

10 **26-6-906. Compliance with local government zoning**  
11 **regulations - notice to local governments - provisional licensure.**

12 (1) The department shall require a residential or day treatment  
13 child care facility OR AN APPLIED BEHAVIOR ANALYSIS CLINIC seeking a  
14 license pursuant to section 26-6-905 to comply with any applicable  
15 zoning and land use development regulations of the municipality, city and  
16 county, or county where the facility is situated. Failure to comply with  
17 applicable zoning and land use regulations constitutes grounds for the  
18 denial of a license to a facility.

19 (2) The department shall ensure that timely written notice is  
20 provided to the municipality, city and county, or county where a  
21 residential or day treatment child care facility OR AN APPLIED BEHAVIOR  
22 ANALYSIS CLINIC is situated, including the address of the facility OR  
23 CLINIC and the population and number of ~~persons~~ INDIVIDUALS to be  
24 served by the facility OR CLINIC, when any of the following occurs:

25 **SECTION 12.** In Colorado Revised Statutes, 26-6-907, **amend**  
26 (1)(a) introductory portion, (1)(a)(V), (1)(a)(VI), (1)(a)(VII), and  
27 (2)(b)(I)(A); and **add** (1)(a)(VIII) as follows:



1 certification of a foster care home or kinship foster care home pursuant  
2 to this part 9, or ~~a person~~ AN INDIVIDUAL applying to work at a facility, ~~or~~  
3 agency, OR CLINIC as an employee, who knowingly or willfully makes a  
4 false statement of any material fact or thing in the application commits  
5 perjury in the second degree as defined in section 18-8-503 and, upon  
6 conviction, shall be punished accordingly.

7 **SECTION 14.** In Colorado Revised Statutes, 26-6-909, **amend**  
8 (1) and (4) as follows:

9 **26-6-909. Standards for facilities and agencies - appeals**  
10 **review panel - rules.**

11 (1) The department shall prescribe and publish standards for  
12 licensing. The standards must be applicable to child placement agencies  
13 and the various types of residential and day treatment child care facilities  
14 regulated and licensed by this part 9; except that the department shall  
15 prescribe and publish separate standards for the licensing of child  
16 placement agencies operating for the purpose of adoptive placement and  
17 adoption-related services AND SHALL PRESCRIBE AND PUBLISH SEPARATE  
18 STANDARDS FOR THE LICENSING OF APPLIED BEHAVIOR ANALYSIS CLINICS  
19 AS SET FORTH IN SECTION 26-6-909.5. The department shall seek the  
20 advice and assistance of persons representative of the various types of  
21 facilities and agencies in establishing the standards, including the advice  
22 and assistance of the department of public safety and councils and  
23 associations representing fire marshals and building code officials in the  
24 ~~promulgation~~ ADOPTION of any rules related to adequate fire protection  
25 and prevention, as allowed in subsection (2)(e) of this section. The  
26 standards must be established by rules ~~promulgated~~ ADOPTED by the state  
27 board and be issued, BE published, and become effective only in

1 conformity with article 4 of title 24.

2 (4) An applicant or ~~person~~ INDIVIDUAL licensed to operate a  
3 facility or agency under ~~the provisions of~~ this part 9 has the right to  
4 appeal any standard that, in the applicant's or ~~person's~~ INDIVIDUAL'S  
5 opinion, creates an undue hardship or when, in the applicant's or ~~person's~~  
6 INDIVIDUAL'S opinion, a standard has been too stringently applied by  
7 representatives of the department. The department shall designate a panel  
8 of ~~persons~~ INDIVIDUALS representing various state and local governmental  
9 agencies with an interest in and concern for children to hear the appeal  
10 and to make recommendations to the department. The membership of the  
11 appeals review panel must include, but need not be limited to, a  
12 representative from a twenty-four-hour child care facility; a representative  
13 from a licensed child placement agency; a representative with child  
14 placement experience from a county department; ~~and~~ A REPRESENTATIVE  
15 FROM AN APPLIED BEHAVIOR ANALYSIS CLINIC; a representative from at  
16 least one other state department, or from the division within the  
17 department that is responsible for child welfare, who has education and  
18 expertise in trauma-informed care and child welfare; AND A  
19 REPRESENTATIVE FROM AT LEAST ONE OTHER STATE AGENCY WHO HAS  
20 EDUCATION AND EXPERIENCE IN APPLIED BEHAVIOR ANALYSIS TREATMENT  
21 AND THE MEDICAL AND BEHAVIORAL CONDITIONS TREATED BY AN APPLIED  
22 BEHAVIOR ANALYSIS CLINIC. The executive director, or the executive  
23 director's designee, shall appoint all members to the appeals review panel.  
24 Representatives to the appeals review panel serve terms of no more than  
25 three years and may serve successive terms.

26 **SECTION 15.** In Colorado Revised Statutes, **add** 26-6-909.5 as  
27 follows:

1           **26-6-909.5. Standards for applied behavior analysis clinics -**  
2           **rules.**

3           (1) (a) ON OR BEFORE JULY 1, 2029, THE DEPARTMENT SHALL  
4           PRESCRIBE AND PUBLISH STANDARDS FOR LICENSING AND REGULATING  
5           APPLIED BEHAVIOR ANALYSIS CLINICS, WITH A FOCUS ON THE HEALTH AND  
6           SAFETY OF CHILDREN. THE STANDARDS MUST BE ESTABLISHED BY RULES  
7           ADOPTED BY THE STATE BOARD AND BE ISSUED, BE PUBLISHED, AND  
8           BECOME EFFECTIVE IN CONFORMITY WITH ARTICLE 4 OF TITLE 24.

9           (b) THE DEPARTMENT SHALL, IN COLLABORATION WITH THE  
10          DEPARTMENT OF EARLY CHILDHOOD, CREATE REGULATORY STANDARDS  
11          FOR APPLIED BEHAVIORAL ANALYSIS CLINICS THAT PROVIDE SERVICES TO  
12          CHILDREN WHO ARE THREE YEARS OLD OR YOUNGER. THE STANDARDS  
13          MUST BE ESTABLISHED BY RULES ADOPTED BY THE STATE BOARD AND BE  
14          ISSUED, BE PUBLISHED, AND BECOME EFFECTIVE IN CONFORMITY WITH  
15          ARTICLE 4 OF TITLE 24.

16          (2) IN ESTABLISHING THE STANDARDS FOR APPLIED BEHAVIOR  
17          ANALYSIS CLINICS PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL  
18          SEEK THE ADVICE AND ASSISTANCE OF PERSONS REPRESENTATIVE OF THE  
19          VARIOUS TYPES OF APPLIED BEHAVIOR ANALYSIS CLINICS AND PROVIDERS,  
20          INCLUDING THE ADVICE AND ASSISTANCE OF THE DEPARTMENT OF PUBLIC  
21          SAFETY AND COUNCILS AND ASSOCIATIONS REPRESENTING FIRE MARSHALS  
22          AND BUILDING CODE OFFICIALS IN THE ADOPTION OF ANY RULES RELATED  
23          TO ADEQUATE FIRE PROTECTION AND PREVENTION.

24          (3) STANDARDS PRESCRIBED BY STATE BOARD RULES GOVERNING  
25          APPLIED BEHAVIOR ANALYSIS CLINICS ARE RESTRICTED TO:

26          (a) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF AN  
27          APPLICANT FOR A LICENSE AND OF OTHER PERSONS DIRECTLY RESPONSIBLE

1 FOR THE CARE AND WELFARE OF CHILDREN SERVED, INCLUDING WHETHER  
2 AN AFFILIATE OF THE APPLICANT HAS BEEN THE SUBJECT OF A NEGATIVE  
3 LICENSING ACTION;

4 (b) THE SAFETY, CLEANLINESS, AND GENERAL HABITABILITY OF  
5 THE PREMISES, INCLUDING MAINTENANCE OF ADEQUATE FIRE PROTECTION  
6 AND PREVENTION AND HEALTH STANDARDS IN CONFORMANCE WITH STATE  
7 LAWS AND MUNICIPAL ORDINANCES, TO PROVIDE FOR THE PHYSICAL  
8 COMFORT, CARE, WELL-BEING, AND SAFETY OF THE CHILDREN SERVED;

9 (c) STANDARDS FOR RESTRAINT OF A CHILD IN ACCORDANCE WITH  
10 ARTICLE 20 OF THIS TITLE 26. THE STANDARDS MUST INCLUDE  
11 REQUIREMENTS GOVERNING:

12 (I) FILING REPORTS WITH THE DEPARTMENT;

13 (II) THE BASIS FOR THE USE OF RESTRAINT IN ACCORDANCE WITH  
14 SECTION 26-20-103;

15 (III) APPLIED BEHAVIOR ANALYSIS CLINIC STAFF;

16 (IV) DOCUMENTATION AND REVIEW OF THE RESTRAINTS;

17 (V) CERTIFICATION OR APPROVAL FROM THE DEPARTMENT PRIOR  
18 TO THE UTILIZATION OF A RESTRAINT PROTOCOL; AND

19 (VI) REVOCATION OR SUSPENSION OF LICENSURE FOR FAILURE TO  
20 COMPLY WITH THE STANDARDS SET FORTH IN THIS SUBSECTION (3)(c);

21 (d) EXCEPT AS PROVIDED IN SUBSECTION (3)(e) OF THIS SECTION,  
22 PROVISIONS THAT ENSURE THAT APPLIED BEHAVIOR ANALYSIS CLINICS  
23 VERIFY, IN ACCORDANCE WITH PART 9 OF ARTICLE 4 OF TITLE 25, THAT  
24 EACH CHILD HAS RECEIVED APPROPRIATE IMMUNIZATIONS AGAINST  
25 CONTAGIOUS DISEASES AS FOLLOWS:

26 (I) CHILDREN TWENTY-FOUR MONTHS OLD OR YOUNGER ARE  
27 REQUIRED TO BE IMMUNIZED IN ACCORDANCE WITH THE "INFANT

1 IMMUNIZATION ACT", PART 17 OF ARTICLE 4 OF TITLE 25; OR

2 (II) CHILDREN OVER TWENTY-FOUR MONTHS OLD ARE REQUIRED  
3 TO BE IMMUNIZED IN ACCORDANCE WITH PART 9 OF ARTICLE 4 OF TITLE 25;

4 (e) PROVISIONS THAT ALLOW AN APPLIED BEHAVIOR ANALYSIS  
5 CLINIC TO ALLOW A CHILD TO ENROLL AND ATTEND THE CLINIC WITHOUT  
6 OBTAINING VERIFICATION OF IMMUNIZATION FOR THE CHILD ON A  
7 SHORT-TERM BASIS OF NO MORE THAN FIFTEEN DAYS IN A  
8 FIFTEEN-CONSECUTIVE-DAY PERIOD AND NO MORE THAN TWICE IN A  
9 CALENDAR YEAR, WITH EACH FIFTEEN-CONSECUTIVE-DAY PERIOD  
10 SEPARATED BY AT LEAST SIXTY DAYS, AS PROVIDED IN SECTION 25-4-902.  
11 AN APPLIED BEHAVIOR ANALYSIS CLINIC THAT ALLOWS CHILDREN TO  
12 ENROLL AND ATTEND ON A SHORT-TERM BASIS PURSUANT TO THIS  
13 SUBSECTION (3)(e) SHALL PROVIDE NOTIFICATION TO ALL PARENTS THAT  
14 THE CLINIC ALLOWS CHILDREN TO ENROLL AND ATTEND ON A SHORT-TERM  
15 BASIS WITHOUT OBTAINING PROOF OF IMMUNIZATION.

16 (f) THE OPERATION AND CONDUCT OF THE ENTITIES REQUIRED TO  
17 BE LICENSED UNDER THIS PART 9 AND THE RESPONSIBILITY THE ENTITIES  
18 ASSUME FOR CHILD CARE;

19 (g) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF AN  
20 APPLICANT FOR A LICENSE TO PROVIDE NECESSARY CARE FOR CHILDREN  
21 AND TO MAINTAIN PRESCRIBED STANDARDS;

22 (h) THE NUMBER OF INDIVIDUALS REQUIRED TO ENSURE ADEQUATE  
23 SUPERVISION AND CARE OF THE CHILDREN SERVED;

24 (i) RECORD KEEPING FOR FOOD, CLOTHING, EQUIPMENT, AND  
25 INDIVIDUAL SUPPLIES;

26 (j) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF THE  
27 CHILDREN SERVED;

1 (k) RECORD KEEPING PERTAINING TO THE ADMISSIONS, PROGRESS,  
2 HEALTH, AND DISCHARGE OF CHILDREN;

3 (l) FILING OF REPORTS WITH THE DEPARTMENT;

4 (m) DISCIPLINE OF CHILDREN;

5 (n) STORAGE REQUIREMENTS FOR MEDICATION; AND

6 (o) STANDARDS FOR THE APPROPRIATENESS, SAFETY, AND  
7 ADEQUACY OF TRANSPORTATION OF CHILDREN TO AND FROM CLINICS.

8 (4) AN APPLIED BEHAVIOR ANALYSIS CLINIC THAT PROVIDES CHILD  
9 CARE EXCLUSIVELY TO SCHOOL-AGE CHILDREN AND OPERATES ON THE  
10 PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR  
11 INSTITUTE CHARTER SCHOOL MAY SATISFY ANY FIRE OR RADON  
12 INSPECTION REQUIREMENT REQUIRED BY LAW BY PROVIDING A COPY OF A  
13 SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY OF  
14 A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER  
15 SCHOOL WHERE THE CHILD CARE IS PROVIDED IF THE FIRE OR RADON  
16 INSPECTION REPORT WAS COMPLETED WITHIN THE PRECEDING TWELVE  
17 MONTHS. THE DEPARTMENT SHALL NOT REQUIRE A DUPLICATE FIRE OR  
18 RADON INSPECTION IF A SATISFACTORY FIRE OR RADON INSPECTION  
19 REPORT OF THE PROPERTY WAS COMPLETED WITHIN THE PRECEDING  
20 TWELVE MONTHS.

21 (5) IF ALL OF THE REQUIREMENTS OF SECTION 22-1-119.5 AND ANY  
22 ADDITIONAL RULES OF THE STATE BOARD ARE MET, A CHILD ENROLLED IN  
23 AN APPLIED BEHAVIOR ANALYSIS CLINIC MAY POSSESS AND  
24 SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR  
25 ANAPHYLAXIS. THE STATE BOARD MAY ADOPT ADDITIONAL RULES  
26 CONCERNING POSSESSING AND SELF-ADMINISTERING MEDICATION FOR  
27 ASTHMA, A FOOD ALLERGY, OR ANAPHYLAXIS.

1 (6) THE EXECUTIVE DIRECTOR MAY DIRECT THE ADMINISTRATION  
2 OR MONITORING OF MEDICATIONS TO INDIVIDUALS IN APPLIED BEHAVIOR  
3 ANALYSIS CLINICS PURSUANT TO PART 3 OF ARTICLE 1.5 OF TITLE 25.

4 **SECTION 16.** In Colorado Revised Statutes, 26-6-912, **amend**  
5 (1)(a)(I)(A), (1)(a)(I)(B), (1)(a)(I)(C), (1)(a)(III), (2)(a)(I), (2)(b), (3), and  
6 (6) as follows:

7 **26-6-912. Investigations and inspections - local authority -**  
8 **reports - rules.**

9 (1) (a) (I) (A) The state department shall investigate and pass on  
10 each application for issuance of a license, each application for a  
11 permanent or time-limited license following the issuance of a  
12 probationary or provisional license, and each application for renewal of  
13 a license to operate a facility, A CLINIC, or an agency prior to granting the  
14 license or renewal. As part of the investigation, the state department shall  
15 require each individual, including but not limited to the applicant, an  
16 owner, an employee, a newly hired employee, a licensee, and an adult  
17 who is eighteen years ~~of age~~ OLD or older and resides in the licensed  
18 facility OR CLINIC, to obtain a fingerprint-based criminal history record  
19 check by reviewing any record that is used to assist the state department  
20 in ascertaining whether the person being investigated has been convicted  
21 of any of the criminal offenses specified in section 26-6-905 (8) or any  
22 other felony. The state board shall ~~promulgate~~ ADOPT rules that define  
23 and identify what the criminal history record check entails.

24 (B) Rules ~~promulgated~~ ADOPTED by the state board pursuant to  
25 this subsection (1)(a)(I) must require the fingerprint-based criminal  
26 history record check in all circumstances, other than those identified in  
27 subsection (1)(a)(I)(C) of this section, to include a fingerprint-based

1 criminal history record check using the records of the Colorado bureau of  
2 investigation and the federal bureau of investigation and to apply to any  
3 new owner, new applicant, newly hired employee, new licensee, or  
4 individual who begins residing in the licensed facility OR CLINIC. As part  
5 of the investigation, the records and reports of child abuse or neglect  
6 maintained by the state department must be accessed to determine  
7 whether the owner, applicant, employee, newly hired employee, licensee,  
8 or individual who resides in the licensed facility OR CLINIC being  
9 investigated has been found to be responsible in a confirmed report of  
10 child abuse or neglect. Information is made available pursuant to section  
11 19-1-307 (2)(j) and rules ~~promulgated~~ ADOPTED by the state board  
12 pursuant to section 19-3-313.5 (4). Except as provided in subsection  
13 (1)(a)(I)(C) of this section, any change in ownership of a licensed facility,  
14 CLINIC, or agency or addition of a new resident adult or newly hired  
15 employee to the licensed facility OR CLINIC requires a new investigation  
16 as provided in this section.

17 (C) When two or more individually licensed facilities OR CLINICS  
18 are wholly owned, operated, and controlled by a common ownership  
19 group or school district, a fingerprint-based criminal history record check  
20 and a check of the records and reports of child abuse or neglect  
21 maintained by the department, completed for one of the licensed facilities  
22 OR CLINICS of the common ownership group or school district pursuant to  
23 this section for an individual for whom the check is required pursuant to  
24 this part 9, may satisfy the record check requirement for any other  
25 licensed facility OR CLINIC under the same common ownership group or  
26 school district. A new fingerprint-based criminal history record check or  
27 new check of the records and reports of child abuse or neglect maintained

1 by the department is not required of such an individual if the common  
2 ownership group or school district maintains a central records  
3 management system for employees of all its licensed facilities OR CLINICS,  
4 takes action as required pursuant to section 26-6-905 when informed of  
5 the results of a fingerprint-based criminal history record check or check  
6 of the records and reports of child abuse or neglect maintained by the  
7 department that requires action pursuant to this part 9, and informs the  
8 department whenever an additional licensed facility OR CLINIC comes  
9 under or is no longer under its ownership or control.

10 (III) If the operator of a facility, CLINIC, or agency refuses to hire  
11 an applicant as a result of information disclosed in the investigation of the  
12 applicant pursuant to subsection (1)(a)(I) of this section, the facility,  
13 CLINIC, or agency is not subject to civil liability for the refusal to hire. If  
14 a former employer of the applicant releases information requested by the  
15 facility, CLINIC, or agency pertaining to the applicant's former  
16 performance, the former employer is not subject to civil liability for the  
17 information given.

18 (2) (a) (I) Except as otherwise provided in subsection (2)(a)(II) of  
19 this section, the state department may authorize or contract with a county  
20 department, the county department of health, or another publicly or  
21 privately operated organization that has a declared interest in children and  
22 experience working with children or on behalf of children to investigate  
23 and inspect the facilities OR CLINICS applying for an original or renewal  
24 license or applying for a permanent license following the issuance of a  
25 probationary or provisional license pursuant to this part 9 and may accept  
26 reports on the investigations and inspections from the agencies or  
27 organizations as a basis for licensing. When contracting for investigations

1 and inspections, the state department shall ensure that the contractor is  
2 qualified by training and experience and has no conflict of interest with  
3 respect to the facilities OR CLINICS to be inspected.

4 (b) A city, county, or city and county may impose and enforce  
5 higher standards and requirements for facilities OR CLINICS licensed  
6 pursuant to this part 9 than the standards and requirements specified  
7 pursuant to this part 9.

8 (3) Every facility, CLINIC, and agency licensed pursuant to this  
9 part 9 shall keep and maintain such records as the department may  
10 prescribe pertaining to the admission, progress, health, and discharge of  
11 children under the care of the facility, CLINIC, or agency and shall report  
12 ~~relative thereto~~ THE RECORDS to the department whenever called for, upon  
13 forms prescribed by the department. ~~Both~~ The facility, CLINIC, or agency  
14 and the department shall keep confidential all records regarding children  
15 and all facts learned about children and their relatives.

16 (6) When the state department receives a serious complaint about  
17 a facility, CLINIC, or agency licensed pursuant to this part 9 alleging the  
18 immediate risk to the health or safety of the children cared for in the  
19 facility, CLINIC, OR AGENCY, the state department shall respond to the  
20 complaint and conduct an on-site investigation concerning the complaint  
21 within forty-eight hours after its receipt.

22 **SECTION 17.** In Colorado Revised Statutes, 26-6-914, **amend**  
23 (2) introductory portion, (2)(d), (2)(h), (2)(j), (2)(n), (4), (6)(a)(I)(C), and  
24 (7) as follows:

25 **26-6-914. Denial of license - suspension - revocation -**  
26 **probation - refusal to renew license - fines - definitions.**

27 (2) The department may deny an application, or suspend, revoke,

1 or make probationary the license, of any facility, CLINIC, or agency  
2 regulated and licensed pursuant to this part 9 or assess a fine against the  
3 licensee pursuant to section 26-6-921 if the licensee, an affiliate of the  
4 licensee, ~~a person~~ AN INDIVIDUAL employed by the licensee, or ~~a person~~  
5 AN INDIVIDUAL who resides with the licensee at the facility, CLINIC, or  
6 agency:

7 (d) Uses any controlled substance, as defined in section 18-18-102  
8 (5), including retail marijuana, or consumes any alcoholic beverage  
9 during the operating hours of the facility, CLINIC, or agency or is under the  
10 influence of a controlled substance or alcoholic beverage during the  
11 operating hours of the facility, CLINIC, or agency; or

12 (h) Refuses to submit to the department any reports or refuses to  
13 make available to the department any records required by ~~it~~ THE  
14 DEPARTMENT in making investigation of the facility, CLINIC, or agency for  
15 licensing purposes; or

16 (j) Fails to provide, maintain, equip, and keep in safe and sanitary  
17 condition premises established or used for child care pursuant to  
18 standards prescribed by the department of public health and environment  
19 and the department of human services or by ordinances or regulations  
20 applicable to the location of such facility OR CLINIC; or

21 (n) Admits to an act of child abuse or if substantial evidence is  
22 found that the licensee, ~~person~~ INDIVIDUAL employed by the licensee, or  
23 ~~person~~ INDIVIDUAL who resides with the licensee in the licensed facility,  
24 CLINIC, or agency has committed an act of child abuse. As used in this  
25 subsection (2)(n), "child abuse" has the same meaning as ~~that ascribed to~~  
26 ~~the term~~ "abuse" or "child abuse or neglect" in section 19-1-103 (1).

27 (4) The state department may deny an application for a facility,

1 CLINIC, or agency license pursuant to this part 9 if the applicant is a  
2 relative affiliate of a licensee of a facility, CLINIC, or agency licensed  
3 pursuant to this part 9, which licensee is the subject of a previous  
4 negative licensing action or is the subject of a pending investigation by  
5 the state department that may result in a negative licensing action.

6 (6) (a) (I) The state department shall deny an application for a  
7 license under the circumstances described in section 26-6-905 (8). The  
8 state department shall revoke or suspend a license previously issued if:

9 (C) The licensee, an affiliate of the licensee, ~~a person~~ AN  
10 INDIVIDUAL employed by the licensee, or ~~a person~~ AN INDIVIDUAL who  
11 resides with the licensee at the facility, CLINIC, or agency has been  
12 determined to be insane or mentally incompetent by a court of competent  
13 jurisdiction and a court has entered, pursuant to part 3 or part 4 of article  
14 14 of title 15, or section 27-65-110 (4) or 27-65-127, an order specifically  
15 finding that the mental incompetency or insanity is of such a degree that  
16 the licensee is incapable of operating a facility, CLINIC, or agency, the  
17 record of such determination and entry of such order being conclusive  
18 evidence thereof.

19 (7) The state department shall deny an application for a facility,  
20 CLINIC, or agency licensed pursuant to this part 9 and shall revoke the  
21 license of a facility, CLINIC, or agency licensed pursuant to this part 9 if  
22 the facility, CLINIC, or agency cultivates marijuana pursuant to the  
23 authority in section 16 of article XVIII of the state constitution.

24 **SECTION 18.** In Colorado Revised Statutes, 26-6-915, **amend**  
25 (1)(a), (1)(b), (1)(d), and (2) as follows:

26 **26-6-915. Notice of negative licensing action - filing of**  
27 **complaints - rules.**

1 (1) (a) When a facility, CLINIC, or agency licensed pursuant to this  
2 part 9 has been notified by the department of a negative licensing action  
3 or the imposition of a fine pursuant to section 26-6-914 (2) and (8), it  
4 shall, within ten days after receiving the notice, provide the department  
5 with the names and mailing addresses of the parents or legal guardians of  
6 each child cared for at the facility, CLINIC, or agency. The department  
7 shall maintain the confidentiality of the names and mailing addresses  
8 provided to it pursuant to this subsection (1).

9 (b) Within twenty days after receiving the names and addresses of  
10 parents and legal guardians pursuant to subsection (1)(a) of this section,  
11 the department shall send a written notice to each such parent or legal  
12 guardian identifying the negative licensing action or the fine imposed and  
13 providing a description of the basis for the action as it relates to the  
14 impact on the health, safety, and welfare of the children in the care of the  
15 facility, CLINIC, or agency. The department shall send the notice to the  
16 parents and legal guardians by first-class mail.

17 (d) This subsection (1) does not preclude the state department or  
18 a county department from notifying parents or legal guardians of serious  
19 violations of any of the standards prescribed and published by the  
20 department or any of the provisions of this part 9 that could impact the  
21 health, safety, or welfare of a child cared for at the facility, CLINIC,  
22 AGENCY, or home.

23 (2) The state board shall ~~promulgate~~ ADOPT rules requiring  
24 facilities, CLINICS, and agencies to provide written notice to the parents  
25 and legal guardians of the children cared for in the facilities, CLINICS, and  
26 agencies of the procedures by which to file a complaint against the  
27 facility, CLINIC, or agency or an employee of the facility, CLINIC, or

1 agency with the division within the department that is responsible for  
2 facility, CLINIC, and agency licensing. The rules must specify the  
3 information that the notice must contain and must require that the notice  
4 include the current mailing address and telephone number of the division  
5 within the department that is responsible for facility, CLINIC, and agency  
6 licensing.

7 **SECTION 19.** In Colorado Revised Statutes, **amend** 26-6-918 as  
8 follows:

9 **26-6-918. Injunctive proceedings.**

10 The department, in the name of the people of the state of Colorado,  
11 through the attorney general of the state, must apply for an injunction in  
12 any court of competent jurisdiction to enjoin a person from operating a  
13 facility, CLINIC, or agency without a license that is required to be licensed  
14 pursuant to this part 9. If the person does not have a valid license pursuant  
15 to this part 9, the person's license has been revoked pursuant to section  
16 26-6-914, or the person does not meet the licensing exemption criteria set  
17 forth in section 26-6-904, yet provides child care and has a pattern of  
18 providing the child care without a valid license as required by this part 9,  
19 and despite having received notification from the department that the  
20 person, facility, CLINIC, or agency is in violation of the law, then the  
21 person, facility, CLINIC, or agency is providing unlicensed and illegal  
22 child care. At the time the department applies for an injunction, the  
23 department shall notify law enforcement of the injunction proceedings.  
24 If it is established that the defendant has been or is operating the facility,  
25 CLINIC, or agency without a valid license, the court shall enter a decree  
26 enjoining the defendant from further operating the facility, CLINIC, OR  
27 AGENCY unless and until the person obtains a license as required by this

1 part 9. In case of a violation of an injunction issued pursuant to this  
2 section, the court may summarily try and punish the offender for  
3 contempt of court. Injunctive proceedings pursuant to this section are in  
4 addition to and not in lieu of the penalty provided in section 26-6-919.

5 **SECTION 20.** In Colorado Revised Statutes, **amend** 26-6-920 as  
6 follows:

7 **26-6-920. Periodic review of licensing and certification rules**  
8 **and procedures.**

9 At least every five years, the department shall conduct a  
10 comprehensive review of the licensing and certification rules for foster  
11 care homes, kinship foster care homes, ~~and~~ child placement agencies,  
12 AND APPLIED BEHAVIOR ANALYSIS CLINICS and the procedures relating to  
13 and governing foster care homes, kinship foster care homes, ~~and~~ CHILD  
14 PLACEMENT agencies, AND APPLIED BEHAVIOR ANALYSIS CLINICS,  
15 including procedures for the review of backgrounds of employees and  
16 owners. In conducting the periodic review, the department shall consult  
17 with foster care providers, kinship foster care providers, child placement  
18 agencies, county departments, the department of public health and  
19 environment, LICENSED BEHAVIOR ANALYSTS, and other interested parties  
20 throughout the state. The periodic review must include an examination of  
21 the rules applicable to foster care homes, kinship foster care homes, ~~and~~  
22 child placement agencies, AND APPLIED BEHAVIOR ANALYSIS CLINICS; the  
23 process of licensing foster care homes, ~~and~~ child placement agencies, and  
24 APPLIED BEHAVIOR ANALYSIS CLINICS; the certification process for foster  
25 care homes and kinship foster care homes; THE uniformity of standards  
26 or lack thereof in the licensing process; statewide standardization of  
27 investigations and enforcement of licensing by the department;

1 duplication and conflicts in rules, requirements, or procedures between  
2 the department and the department of public health and environment; and  
3 recommendations for streamlining and unifying the licensing process. The  
4 review must also include an examination of rules and procedures  
5 regarding the general physical and mental health of foster care providers,  
6 kinship foster care providers, LICENSED BEHAVIOR ANALYSTS, employees,  
7 and owners. At the conclusion of each review, the department shall report  
8 its findings and conclusions and its recommendations for administrative  
9 changes and for legislation to the state board.

10 **SECTION 21.** In Colorado Revised Statutes, 42-4-236, **amend**  
11 (1)(a) as follows:

12 **42-4-236. Child restraint systems required - definitions -**  
13 **exemptions - penalty.**

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

15 (a) "Child care center" means a facility required to be licensed  
16 under the "Foster Care, Kinship Foster Care, Residential, Day Treatment,  
17 and Child Placement Agency AND APPLIED BEHAVIOR ANALYSIS CLINIC  
18 Licensing and Certification Act", part 9 of article 6 of title 26, or the  
19 "Child Care Licensing Act", part 3 of article 5 of title 26.5.

20 **SECTION 22. Effective date.** This act takes effect upon passage;  
21 except that sections 12-247-106, 12-247-110, 12-247-112, and  
22 12-247-116, Colorado Revised Statutes, as enacted in section 2 of this  
23 act, take effect July 1, 2028.

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

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.