



**Colorado  
Legislative  
Council  
Staff**

**HB16-1063**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0513  
**Prime Sponsor(s):** Rep. Foote

**Date:** January 20, 2016  
**Bill Status:** House Judiciary  
**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** MENTAL HEALTH PROFESSIONAL DISCLOSURE SCHOOL SAFETY

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase.	
FTE Position Change		
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal increases in workload.		

**Summary of Legislation**

This bill provides an exception for certain mental health professionals related to the prohibition against disclosing confidential client communications. Under the bill, a specified mental health professional may make a disclosure if his or her client makes a direct threat to a school or its occupants or exhibits behavior that the professional deems to create a dangerous school environment that may jeopardize the safety of others. Disclosures may only be made to appropriate school district personnel and must remain confidential. The bill provides immunity from civil actions concerning such disclosures and clarifies that the bill does not impact any statutory duties to warn and protect others.

**Background**

Under current law, mental health professionals may not disclose any confidential communications made by the client or advice given to the client without his or her consent. Exceptions are made in certain circumstances, such as to coordinate care between health care providers, for compliance with a court order, or when the professional believes there is an imminent threat to the health, life, or safety of the client or another person. The bill applies to the following types of mental health professionals:

- a person licensed as psychologist, clinical social worker, social worker, marriage and family therapist, professional counselor, or addiction counselor;
- a person certified as an addiction counselor;
- a person registered as a psychotherapist, or
- a person registered as a psychologist candidate, marriage and family therapist candidate, or licensed professional counselor candidate.

**State Expenditures**

This bill is anticipated to increase workload for the Division of Professions and Occupations within the Department of Regulatory Agencies. The Division may receive additional complaints about and request for guidance from mental health professionals and need to update its rules. These impacts are anticipated to be minimal and will not require an increase in appropriations.

**Local Government Impact**

This bill is expected to increase workload for any city or county-employed mental health professionals (such as those within community health clinics or hospitals) to update rules and procedures and to make disclosures to school district officials as circumstances warrant. These impacts are assumed to be minimal.

**School District Impact**

Similar to local governments, this bill is expected to increase workload for school districts to update rules and procedures for school-based mental health professionals and to respond to any additional disclosures. These impacts are assumed to be minimal.

Pursuant to Section 22-32-143, C.R.S., school districts and Boards of Cooperative Educational Services (BOCES) may submit a separate estimate of fiscal impacts within seven days of a bill's introduction. Estimates submitted by districts or BOCES for this bill can be found on the Legislative Council website at this address: <http://www.colorado.gov/lcs>

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State and Local Government Contacts**

Cities	Corrections	Counties
Education	Human Services	Local Affairs
Office of Information Technology	Regulatory Agencies	Sheriffs