



**Colorado  
Legislative  
Council  
Staff**

**HB17-1011**

**FINAL  
FISCAL NOTE**

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

**Drafting Number:** LLS 17-0574  
**Prime Sponsor(s):** Rep. Melton  
 Sen. Tate

**Date:** June 28, 2017  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Clare Pramuk (303-866-2677)

**BILL TOPIC:** STATUTE OF LIMITATIONS DISCIPLINE MENTAL HEALTH PROFESSIONALS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Minimal workload increase. See State Expenditures section.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> None.		

**Summary of Legislation**

Mental health professionals are required to maintain client records for a period of seven years from the date of termination of services. The bill requires mental health professionals to notify former clients that records may not be maintained after seven years. This notice must be provided to the client in writing no later than 180 days after the end of the client's treatment. The notice may be included with the disclosures provided during the initial client contact or sent to the client's last known address. Any complaint filed with the Division of Professions and Occupations in the Department of Regulatory Agencies (DORA) against a mental health professional alleging a maintenance of records violation must be made within seven years after the former client discovered or reasonably should have discovered the violation. The applicable board in the Division of Professions and Occupations must either take disciplinary action on the complaint or dismiss the complaint within two years.

**Background**

Mental health professionals are licensed, registered, and certified by the Division of Professions and Occupations based on the type of profession. These include the following professions:

- psychologists;
- social workers;
- marriage and family therapists;
- licensed professional counselors;
- registered psychotherapists; and
- addiction counselors.

Disciplinary actions may consist of the following:

- revocation or suspension of a license, registration, or certification;
- probationary status;
- issuance of letters of admonition;
- issues of confidential letters of concern; and
- deferred settlement or judgment.

## **State Expenditures**

This bill will increase the workload of the Division of Professions and Occupations in DORA by a minimal amount in FY 2017-18. The regulatory boards for mental health professionals within the division are expected to update their rules to include reference to the bill requirements and to include the information in their outreach efforts. The bill is not expected to have a significant effect on enforcement actions. This workload can be accomplished within existing appropriations.

## **Effective Date**

The bill was signed into law by the Governor on March 16, 2017, and takes effect July 1, 2018.

## **State and Local Government Contacts**

Information Technology

Law

Regulatory Agencies