HOUSE BILL 20-1206

CONCERNING THE CONTINUATION OF THE REGULATION OF MENTAL HEALTH PROFESSIONALS, AND, IN CONNECTION THEREWITH, IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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/.)

Sunset Process - House Public Health Care and Human Services Committee. The bill:

Capital letters and bold italic numbers indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.
Continues the regulation of mental health professionals until 2029;
Clarifies that mental health professionals may administer opiate antagonists;
Allows the staff of a mental health board to approve applications for licensure, certification, and registration without ratification from the respective board unless the board deems ratification necessary;
Clarifies that licensees, certificate holders, and registrants are not required to form a professional service corporation;
Requires a mental health professional to disclose to clients that the client's medical records may not be maintained longer than 7 years;
Exempts students who are enrolled in a school program and are practicing as part of a school practicum or clinical program from licensing, certification, and registration requirements;
Grants title protection to additional persons practicing in the mental health field;
Clarifies that a mental health professional may disclose confidential communications if there is a threat to a school or its employees and personnel;
Makes the conviction of a crime that is related to mental health practice a violation of the mental health practice acts;
Makes the failure to report the conviction of a felony a violation of the mental health practice acts;
Clarifies that it is not a prohibited activity for a mental health professional to offer or accept payment for services provided from a referral;
Authorizes the appropriate regulatory board to suspend a mental health professional's license, certification, or registration for the failure to comply with a board-ordered mental or physical examination;
Allows mental health professionals to resolve certain issues informally prior to reporting a violation to the applicable board;
Allows supervision of an applicant for a social worker license to be done virtually and by a person other than a licensed social worker;
Repeals the requirement that a candidate for a social work license must be supervised by a licensed social worker and allows supervision as approved by the state board of social work examiners;
States that, for licensed social workers or licensed clinical
social workers, course work is the only professional competency activity that can fulfill all the continuing competency requirements;

! Requires applicants for psychology licensure to complete a name-based criminal history record check upon initial application;

! Repeals the requirements that members of the mental health boards must be United States citizens;

! Repeals the provision allowing a licensed mental health professional or a licensure candidate to register with the database of registered psychologists; and

! Grants general rule-making authority to the state board of addiction counselor examiners and requires the state board of human services in the department of human services to establish by rule education requirements for addiction counselors.

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

2 SECTION 1. In Colorado Revised Statutes, amend 12-245-234 as follows:

3 12-245-234. Repeal of article - subject to review. This article 245 is repealed, effective September 1, 2020. Before the repeal, all of the boards relating to the licensing, registration, or certification of and grievances against any person licensed, registered, or certified pursuant to this article 245 are scheduled for review in accordance with section 24-34-104.

4 SECTION 2. In Colorado Revised Statutes, 24-34-104, repeal (19)(a)(III); and add (30)(a)(III) as follows:

5 24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (19) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2020:

6 (III) Notwithstanding subsection (7)(a) of this section, the
functions of the boards specified in article 245 of title 12, relating to the licensing, registration, or certification of and grievances against a person licensed, registered, or certified pursuant to article 245 of title 12;

(30) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2029:

(III) NOTWITHSTANDING SUBSECTION (7)(a) OF THIS SECTION, THE FUNCTIONS OF THE BOARDS SPECIFIED IN ARTICLE 245 OF TITLE 12 RELATING TO THE LICENSING, REGISTRATION, OR CERTIFICATION OF AND GRIEVANCES AGAINST A PERSON LICENSED, REGISTERED, OR CERTIFIED PURSUANT TO ARTICLE 245 OF TITLE 12.

SECTION 3. In Colorado Revised Statutes, 12-245-204, amend (5) as follows:


(5) In carrying out its duties related to the approval of applications for licensure, registration, or certification pursuant to this section, section 12-245-214, and this article 245, each board shall delegate the function of the preliminary review and approval of applications to the staff of the board, with approval of an application ratified by action of the board IF RATIFICATION IS DEEMED NECESSARY BY THE BOARD. Each board, in its sole discretion, may individually review any application requiring board consideration prior to the approval of the application pursuant to section 12-245-214 and this article 245.

SECTION 4. In Colorado Revised Statutes, amend 12-245-210 as follows:

12-245-210. Drugs - medicine. (1) Nothing in this article 245 permits psychologists, social workers, marriage and family therapists,
licensed professional counselors, psychotherapists, and addiction
counselors licensed, registered, or certified under this article 245 to
administer or prescribe drugs or in any manner engage in the practice of
medicine as defined by the laws of this state.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A
PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST,
LICENSED PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR ADDICTION
COUNSELOR LICENSED, REGISTERED, OR CERTIFIED UNDER THIS ARTICLE
245 MAY POSSESS, FURNISH, OR ADMINISTER AN OPIATE ANTAGONIST IN
ACCORDANCE WITH SECTION 12-30-110.

SECTION 5. In Colorado Revised Statutes, 12-30-110, amend
(1)(b) introductory portion, (2)(b), (3)(c)(III), and (3)(c)(IV); and add
(3)(c)(V) and (7)(b.5) as follows:

12-30-110. Prescribing or dispensing opiate antagonists -
authorized recipients - definitions. (1) (b) A law enforcement agency
or first responder; an employee or volunteer of a harm reduction
organization; a school district, school, or employee or agent of a school;
or a person described in section 25-20.5-1001; OR A MENTAL HEALTH
PROFESSIONAL may, pursuant to an order or standing orders and protocols:

(2) (b) A law enforcement agency, first responder, harm reduction
organization, or person described in section 25-20.5-1001, OR A MENTAL
HEALTH PROFESSIONAL is strongly encouraged to educate its employees
and volunteers, as well as persons receiving an opiate antagonist from the
law enforcement agency, first responder, harm reduction organization, or
person described in section 25-20.5-1001, OR MENTAL HEALTH
PROFESSIONAL, on the use of an opiate antagonist for overdose, including
instruction concerning risk factors for overdose, recognizing an overdose,
calling emergency medical services, rescue breathing, and administering an opiate antagonist.

(3) Neither a prescriber described in subsection (7)(h)(I) of this section nor a pharmacist engages in unprofessional conduct pursuant to section 12-240-121 or 12-280-126, respectively, and a prescriber described in subsection (7)(h)(II) of this section does not engage in conduct that is grounds for discipline pursuant to section 12-255-120, if the prescriber issues standing orders and protocols regarding opiate antagonists or prescribes or dispenses, or the pharmacist dispenses, pursuant to an order or standing orders and protocols, an opiate antagonist in a good-faith effort to assist:

(c) The following persons in responding to, treating, or otherwise assisting an individual who is experiencing or is at risk of experiencing an opiate-related drug overdose event or a friend, family member, or other person in a position to assist an at-risk individual:

(III) A school district, school, or employee or agent of a school; or

(IV) A person described in section 25-20.5-1001; OR

(V) A MENTAL HEALTH PROFESSIONAL.

(7) As used in this section:

(b.5) "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR ADDICTION COUNSELOR LICENSED, REGISTERED, OR CERTIFIED UNDER ARTICLE 245 OF THIS TITLE 12.

SECTION 6. In Colorado Revised Statutes, 13-21-108.7, amend (3)(b)(I) as follows:
13-21-108. Persons rendering emergency assistance through
the administration of an opiate antagonist - limited immunity -
legislative declaration - definitions. (3) General immunity. (b) This
subsection (3) also applies to:

(i) A law enforcement agency or first responder; an employee or
volunteer of a harm reduction organization; or a school district, school,
or employee or agent of a school acting in accordance with section
12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section
22-1-119.1; OR A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION
12-30-110 (7)(b.5); and

SECTION 7. In Colorado Revised Statutes, 18-1-712, amend
(2)(b)(I) as follows:

18-1-712. Immunity for a person who administers an opiate
antagonist during an opiate-related drug overdose event - definitions.
(2) General immunity. (b) This subsection (2) also applies to:

(i) A law enforcement agency or first responder; an employee or
volunteer of a harm reduction organization; or a school district, school,
or employee or agent of a school acting in accordance with section
12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section
22-1-119.1; OR A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION
12-30-110 (7)(b.5); and

SECTION 8. In Colorado Revised Statutes, 12-245-213, amend
(1) introductory portion as follows:

12-245-213. Professional service corporations for the practice
of psychology, social work, marriage and family therapy,
professional counseling, and addiction counseling - definitions.
(1) Licensees, registrants, or certificate holders may, BUT ARE NOT
REQUIRED TO, form professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, psychotherapy, or addiction counseling under the "Colorado Business Corporation Act", articles 101 to 117 of title 7, if the corporations are organized and operated in accordance with this section. The articles of incorporation of a professional service corporation formed pursuant to this section must contain provisions complying with the following requirements:

SECTION 9. In Colorado Revised Statutes, 12-245-214, amend (2) as follows:

12-245-214. Denial of license, registration, or certification - reinstatement. (2) If a board determines that an applicant does not possess the applicable qualifications required by this article 245 or, for a licensed clinical social worker, licensed social worker, licensed marriage and family therapist, licensed professional counselor, licensed addiction counselor, or level II or III certified addiction counselor, is unable to demonstrate his or her continued professional competence as required by section 12-245-410, 12-245-506, 12-245-606, or 12-245-806, respectively, the board may deny the applicant a license, registration, or certification or deny the reinstatement of a license, registration, or certification. If the application is denied, the board shall provide the applicant with a statement in writing setting forth the basis of the board's determination that the applicant does not possess the qualifications or professional competence required by this article 245. The applicant may request a hearing on the determination as provided in section 24-4-104 (9).

SECTION 10. In Colorado Revised Statutes, 12-245-216, amend
(1)(d)(IV) and (1)(e); and add (1)(f) as follows:

**12-245-216. Mandatory disclosure of information to clients.**

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

(d) A statement indicating that:

(IV) The information provided by the client during therapy sessions is legally confidential in the case of licensed marriage and family therapists **AND LICENSED MARRIAGE AND FAMILY THERAPIST CANDIDATES**, licensed social workers **AND LICENSED SOCIAL WORKER CANDIDATES**, licensed professional counselors **AND LICENSED PROFESSIONAL COUNSELOR CANDIDATES**, and licensed psychologists **AND LICENSED PSYCHOLOGIST CANDIDATES**; licensed or certified addiction counselors **AND LICENSED OR CERTIFIED ADDICTION COUNSELOR CANDIDATES**; and registered **UNLICENSED** psychotherapists, except as provided in section 12-245-220 and except for certain legal exceptions that will be identified by the licensee, registrant, or certificate holder should any such situation arise during therapy; and

(e) If the mental health professional is a registered **UNLICENSED** psychotherapist, a statement indicating that a registered psychotherapist is a psychotherapist listed in the state's database and is authorized by law to practice psychotherapy in Colorado but is not licensed by the state and is not required to satisfy any standardized educational or testing requirements to obtain a registration from the state; AND

(f) A statement indicating that a client's records may not be maintained after seven years pursuant to section 12-245-226 (1)(a)(II)(A).
SECTION 11. In Colorado Revised Statutes, 12-245-217, amend (2)(e)(IV); and add (2)(g) and (2)(h) as follows:

12-245-217. Scope of article - exemptions. (2) The provisions of this article 245 shall not apply to:

(e) A person who resides in another state and who is currently licensed or certified as a psychologist, marriage and family therapist, clinical social worker, professional counselor, or addiction counselor in that state to the extent that the licensed or certified person performs activities or services in this state, if the activities and services are:

(IV) Disclosed to the public that the person is not licensed or certified in this state; or

(g) STUDENTS WHO ARE ENROLLED IN A SCHOOL PROGRAM AND ARE PRACTICING AS PART OF A SCHOOL PRACTICUM OR CLINICAL PROGRAM; OR

(h) A PROFESSIONAL PRACTICING AURICULAR ACUDETOX IN ACCORDANCE WITH SECTION 12-245-233.

SECTION 12. In Colorado Revised Statutes, amend 12-245-218 as follows:

12-245-218. Title use restrictions. (1) A psychologist, social worker, marriage and family therapist, professional counselor, PSYCHOTHERAPIST, or addiction counselor may only use the title for which he or she THE PERSON is licensed, certified, or registered under this article 245 OR FOR WHICH THE PERSON HAS OBTAINED THE REQUIRED CREDENTIALS. Except as provided in section 12-245-306 (3), no other person shall:

(a) 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", "PROVISIONAL SOCIAL WORKER", "SWP", "marriage and family
therapist", "LMFT", "MFT", "MARRIAGE AND FAMILY THERAPIST
CANDIDATE", "MFT CANDIDATE", "MFTC", "professional counselor",
"LICENSED PROFESSIONAL COUNSELOR", "LPC", "LICENSED PROFESSIONAL
COUNSELOR CANDIDATE", "LPCC", "PROVISIONAL LICENSED
PROFESSIONAL COUNSELOR", "psychologist", "PROVISIONAL
PSYCHOLOGIST", "psychologist candidate", "psychology",
"psychological", "UNLICENSED PSYCHOTHERAPIST", "addiction counselor",
"licensed addiction counselor", "LAC", "certified addiction counselor",
or "CAC"; and no other person shall; OR

(b) State or imply that THE PERSON is licensed, CERTIFIED, OR REGISTERED to practice social work, marriage and family
therapy, professional counseling, psychology, PSYCHOTHERAPY, or
addiction counseling.

(2) Nothing in this section shall prohibit a person from stating or
using the educational degrees that the person has obtained.

SECTION 13. In Colorado Revised Statutes, 12-245-220, amend
(2) introductory portion and (2)(d)(IV)(B); and repeal (6) as follows:

12-245-220. Disclosure of confidential communications -
definitions. (2) Subsection (1) of this section does not apply AND A
PERSON MAY DISCLOSE CONFIDENTIAL INFORMATION when:

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

(6) This section does not apply to covered entities, their business
associates, or health oversight agencies, as each is defined in the federal

SECTION 14. In Colorado Revised Statutes, 12-245-224, amend (1)(a), (1)(o), and (1)(q) as follows:

12-245-224. Prohibited activities - related provisions - definition. (1) A person licensed, registered, or certified under this article 245 violates this article 245 if the person:

(a) (I) (A) Has been convicted of or pled guilty or nolo contendere to a felony OR TO ANY CRIME RELATED TO THE PERSON'S PRACTICE, or received a deferred sentence to a felony charge. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, each board is governed by sections 12-20-202 (5) and 24-5-101.

(B) HAS FAILED TO REPORT TO THE BOARD THAT REGULATES THE PERSON'S PROFESSION OF A CONVICTION OF A CRIME RELATED TO THE PERSON'S PRACTICE WITHIN THIRTY DAYS AFTER THE CONVICTION.

(II) A FELONY, DEFERRED SENTENCE, OR FELONY CHARGE THAT IS NONVIOLENT, INCLUDING A NONVIOLENT DRUG OFFENSE THAT OCCURRED FIVE OR MORE YEARS BEFORE THE DATE THAT THE INITIAL LICENSE, REGISTRATION, OR CERTIFICATE IS ISSUED IS NOT A VIOLATION OF THIS ARTICLE 245 AND DOES NOT NEED TO BE DISCLOSED TO THE BOARD.

(o) Has accepted commissions or rebates or other forms of remuneration for referring clients to other professional persons, UNLESS THE REMUNERATION IS BASED ON SERVICES PROVIDED, INCLUDING
MARKETING, OFFICE SPACE, ADMINISTRATIVE, CONSULTATIVE, AND CLINICAL SERVICES, AND NOT FOR THE REFERRAL ITSELF;

(q) Has offered or given commissions, rebates, or other forms of remuneration for the referral of clients except that UNLESS THE OFFER OR REMUNERATION WAS FOR SERVICES PROVIDED, INCLUDING MARKETING, OFFICE SPACE, ADMINISTRATIVE, CONSULTATIVE, AND CLINICAL SERVICES, AND NOT FOR THE REFERRAL ITSELF. A licensee, registrant, or certificate holder may pay an independent advertising or marketing agent compensation for advertising or marketing services rendered on the person's behalf by the agent, including compensation that is paid for the results of performance of the services on a per-patient basis.

SECTION 15. In Colorado Revised Statutes, 12-245-226, amend (2)(d)(I) and (4)(a); repeal (4)(b); and add (9) as follows:

12-245-226. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses. (2) (d) (I) If a board has reasonable cause to believe that a licensee, registrant, or certificate holder whom the board licenses, registers, or certifies pursuant to this article 245 is unable to practice with reasonable skill and safety to patients, the board may require the licensee, registrant, or certificate holder to submit to mental or physical examinations designated by the board. Upon the failure of the licensee, registrant, or certificate holder to submit to a mental or physical examination, and unless the person shows good cause for the failure, the board may act pursuant to subsection (2)(c) of this section or enjoin a licensee, registrant, or certificate holder pursuant to section 12-245-230 SUSPEND THE LICENSE, CERTIFICATION, OR REGISTRATION OF THE PERSON until the person submits to the required examinations.
(4) (a) Except as provided in subsection (4)(b) of this section, if a complaint is dismissed FOR RECORDS OF DISCIPLINARY ACTION TAKEN BY THE BOARD PURSUANT TO THIS SECTION, records of investigations, examinations, hearings, meetings, and other proceedings of the board conducted pursuant to this section are exempt from the open records law, article 72 of title 24.

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

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

(II) Upon final agency action.

(9) A BOARD THAT ISSUES A LETTER OF ADMONITION TO A PERSON PURSUANT TO SECTION 12-20-404 (4) SHALL KEEP THE LETTER CONFIDENTIAL AND NOT DISCLOSE THE LETTER TO THE PUBLIC OR IN ANY COURT ACTION FIVE YEARS AFTER THE DATE THE LETTER IS ISSUED UNLESS:

(a) The board is a party to an action where the letter of admonition is at issue; or

(b) The person who received the letter of admonition has subsequently been subject to disciplinary action by the board.

SECTION 16. In Colorado Revised Statutes, 12-245-233, amend (1), (2), and (4) as follows:

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

(a) Licensed pursuant to this article 245;

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

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

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

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

SECTION 17. In Colorado Revised Statutes, 12-245-404, amend (2)(c) and (4) as follows:

12-245-404. Qualifications - examination - licensure and registration. (2) The board shall license as a licensed clinical social worker a person who files an application, in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and submits evidence satisfactory to the board that the
applicant:

(c) Has practiced social work for at least two years under the VIRTUAL OR IN-PERSON supervision of a licensed clinical social worker OR OTHER PERSON WITH EQUIVALENT EXPERIENCE AS DETERMINED BY THE BOARD, which practice includes training and work experience in the area of clinical social work practice; and

(4) (a) A person licensed as a licensed social worker pursuant to subsection (1) of this section may, but is not required to, register with the database of registered psychotherapists pursuant to section 12-245-703. THE BOARD SHALL REGISTER AS A CLINICAL SOCIAL WORKER CANDIDATE A PERSON WHO FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED BY THE FEE REQUIRED BY SECTION 12-245-205, WHO IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE 245 OR ANY RULES PROMULGATED BY THE BOARD, AND WHO:

(I) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT THE PERSON HAS MET THE REQUIREMENTS OF SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION; AND

(II) HAS NOT PREVIOUSLY REGISTERED AS A CLINICAL SOCIAL WORKER CANDIDATE BY THE BOARD.

(b) A CLINICAL SOCIAL WORKER CANDIDATE REGISTERED PURSUANT TO THIS SUBSECTION (4) IS UNDER THE JURISDICTION OF THE BOARD. IF THE REQUIREMENTS OF SUBSECTIONS (2)(c) AND (2)(d) OF THIS SECTION ARE NOT MET WITHIN FOUR YEARS AFTER THE DATE OF REGISTRATION AS A CANDIDATE, THE REGISTRATION OF THE CLINICAL SOCIAL WORKER CANDIDATE EXPIRES AND IS NOT RENEWABLE UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A PERSON WHOSE CLINICAL SOCIAL WORKER CANDIDATE REGISTRATION

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EXPIRES IS NOT PRECLUDED FROM APPLYING FOR LICENSURE OR
REGISTRATION WITH ANY OTHER MENTAL HEALTH BOARD FOR WHICH THE
PERSON IS QUALIFIED.

SECTION 18. In Colorado Revised Statutes, 12-245-406, amend
(3) as follows:

12-245-406. Scope of part. (3) No person may supervise the
practice of social work for the purpose of licensure compliance or
disciplinary proceedings unless licensed APPROVED BY THE BOARD
pursuant to section 12-245-404. except that, in cases where no licensed
clinical social worker is available for supervision for licensure, the
licensee may apply to the board for approval to be supervised by a person
with equivalent experience as determined by the board.

SECTION 19. In Colorado Revised Statutes, amend 12-245-408
as follows:

12-245-408. Clinical social work practice of psychotherapy.
For the purpose of licensure, the practice, under this part 4, of
psychotherapy and other clinical activities within the definition of social
work practice in section 12-245-403 is limited to licensed clinical social
workers or licensed social workers supervised by licensed clinical social
workers IN ACCORDANCE WITH SECTION 12-245-404 (2)(c).

SECTION 20. In Colorado Revised Statutes, 12-245-410, amend
(1)(b)(III) as follows:

12-245-410. Continuing professional competency - rules -
definition. (1) (b) The board shall adopt rules establishing a continuing
professional competency program that includes, at a minimum, the
following elements:

(III) Periodic demonstration of knowledge and skills through
documentation of activities necessary to ensure at least minimal ability to
safely practice the profession. **Course work provided by an**
**Accredited educational institution or a nationally or**
**Regionally recognized professional organization** is the only one
of a number of continuing professional competency activities
that may satisfy the full continuing competency requirement.
Nothing in this subsection (1)(b)(III) shall require a licensed clinical
social worker or a licensed social worker to retake any examination
required pursuant to section 12-245-404 in connection with initial
licensure.

**SECTION 21.** In Colorado Revised Statutes, 12-245-302, amend
(2) introductory portion and (3) as follows:

12-245-302. **State board of psychologist examiners - created**
- **Members - terms.** (2) The board consists of seven members who are
citizens of the United States and residents of the state of Colorado as
follows:

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

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

(f) The second term of office of the licensed psychologist board
member and one of the two board members representing the general public, whose second term would otherwise expire on June 30, 2010; shall expire on May 31, 2008, and the governor shall appoint one new licensed psychologist and one new representative of the general public to serve terms as described in subsection (3)(a) of this section commencing on June 1, 2008:

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

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

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

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

SECTION 22. In Colorado Revised Statutes, 12-245-304, amend (1)(d) and (1)(e); and add (1)(f) as follows:

12-245-304. Qualifications - examinations - licensure. (1) The board shall issue a license as a psychologist to each applicant who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and furnishes evidence satisfactory to the board that the applicant:

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

   (e) Demonstrates professional competence by passing a single, written examination in psychology as prescribed by the board and a jurisprudence examination administered by the division; AND

   (f) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(f), UPON THE INITIAL APPLICATION FOR LICENSURE HAS COMPLETED A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), WITH SATISFACTORY RESULTS AS DETERMINED BY THE
BOARD.

SECTION 23. In Colorado Revised Statutes, 12-245-402, amend (1) as follows:

12-245-402. State board of social work examiners - created - members - terms. (1) There is hereby created under the supervision and control of the division the state board of social work examiners, which shall consist of seven members who are citizens of the United States and residents of the state of Colorado.

SECTION 24. In Colorado Revised Statutes, 12-245-502, amend (1) as follows:

12-245-502. State board of marriage and family therapist examiners - created - members - terms. (1) There is hereby created under the supervision and control of the division the state board of marriage and family therapist examiners, which shall consist of seven members who are citizens of the United States and residents of the state of Colorado.

SECTION 25. In Colorado Revised Statutes, 12-245-601, add (1.5) and (2.5) as follows:

12-245-601. Definitions. As used in this part 6, unless the context otherwise requires:

(1.5) "CLINICAL SUPERVISION" MEANS SUPERVISION PROVIDED BY A LICENSED PROFESSIONAL COUNSELOR SUPERVISOR, LICENSED PSYCHOLOGIST, LICENSED MARRIAGE AND FAMILY THERAPIST, LICENSED CLINICAL SOCIAL WORKER, OR LICENSED ADDICTION COUNSELOR; THAT IS NOT ADMINISTRATIVE IN NATURE; AND THAT MAY INCLUDE A COLLABORATIVE RELATIONSHIP THAT PROMOTES THE EDUCATION, GROWTH, AND DEVELOPMENT OF A LICENSED PROFESSIONAL COUNSELOR
APPLICANT AND PROVIDES FOR THE EVALUATION OF THE APPLICANT'S CLINICAL PERFORMANCE AND COMPETENCY.

(2.5) "LICENSED PROFESSIONAL COUNSELOR SUPERVISOR" MEANS A LICENSED PROFESSIONAL COUNSELOR WHO HAS RECEIVED EDUCATION AND TRAINING IN THE CLINICAL SUPERVISION OF MENTAL HEALTH PROFESSIONALS AS DETERMINED BY THE BOARD.

SECTION 26. In Colorado Revised Statutes, 12-245-602, amend (1) as follows:

12-245-602. State board of licensed professional counselor examiners - created - members - fines. (1) There is hereby created the state board of licensed professional counselor examiners under the supervision and control of the division. The board shall consist CONSISTS of seven members who are citizens of the United States and residents of the state of Colorado.

SECTION 27. In Colorado Revised Statutes, 12-245-501, add (2.5) as follows:

12-245-501. Definitions. As used in this part 5, unless the context otherwise requires:

(2.5) "CLINICAL SUPERVISION" MEANS:

(a) THE EVALUATION AND MODIFICATION OR APPROVAL BY A SUPERVISOR OF THE CLINICAL PRACTICE OF THE PERSON BEING SUPERVISED; AND

(b) A SOURCE OF KNOWLEDGE, EXPERTISE, AND MORE ADVANCED SKILLS MADE AVAILABLE TO THE PERSON BEING SUPERVISED.

SECTION 28. In Colorado Revised Statutes, 12-245-504, amend (1)(d) as follows:

12-245-504. Qualifications - examination - licensure and
regulation. (1) The board shall issue a license as a marriage and family therapist to each applicant who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and furnishes evidence satisfactory to the board that the applicant:

(d) Subsequent to completing his or her THE APPLICANT'S master's or doctoral degree, has had at least two years of post-master's or one year of postdoctoral practice in individual and marriage and family therapy, including at least one thousand five hundred hours of face-to-face direct client contact as determined by the board for the purpose of assessment and intervention under board-approved CLINICAL supervision THAT MAY BE IN-PERSON OR TELESUPERVISION; and

SECTION 29. In Colorado Revised Statutes, 12-245-604, amend (1)(d) as follows:

12-245-604. Licensure - examination - licensed professional counselors. (1) The board shall issue a license as a licensed professional counselor to each applicant who files an application in a form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and furnishes evidence satisfactory to the board that the applicant:

(d) (I) Has at least two years of post-master's practice or one year of postdoctoral practice in licensed professional counseling under CLINICAL supervision; approved by the board; and

(II) HAS AT LEAST TWO THOUSAND HOURS OF PRACTICE IN COUNSELING, INCLUDING AT LEAST ONE THOUSAND FIVE HUNDRED HOURS OF FACE-TO-FACE DIRECT CLIENT CONTACT UNDER CLINICAL SUPERVISION THAT IS IN-PERSON OR IS TELESUPERVISION; AND
SECTION 30. In Colorado Revised Statutes, 12-245-604, add (5) as follows:

12-245-604. Licensure - examination - licensed professional counselors. (5) (a) If an applicant has completed an equivalent program as determined by the board pursuant to subsection (1)(c) of this section, the board shall not place additional requirements, barriers, or burdens related to licensure or supervision on the applicant.

(b) The board shall not give preference concerning licensure, supervision, or other requirements of this part 6 to an applicant who has completed a master's or doctoral degree in professional counseling from an accredited school or college pursuant to subsection (1)(c) of this section based upon the accrediting organization.

SECTION 31. In Colorado Revised Statutes, 12-245-701, amend (1) as follows:

12-245-701. Definitions. As used in this part 7, unless the context otherwise requires:

(1) "Board" means the state board of registered unlicensed psychotherapists created by section 12-245-702.

SECTION 32. In Colorado Revised Statutes, 12-245-702, amend (1), (3), and (4) as follows:

12-245-702. State board of unlicensed psychotherapists - creation - membership. (1) There is hereby created the state board of registered unlicensed psychotherapists, which shall be under the supervision and control of the division as provided in section 12-20-103.

(2) The board shall consist of seven members who are residents
of the state of Colorado.

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

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

SECTION 33. In Colorado Revised Statutes, 12-245-703, amend (1), (2), (3), and (4) as follows:

12-245-703. Database of unlicensed psychotherapists - unauthorized practice - penalties - data collection. (1) The board shall maintain a database of all registered UNLICENSED psychotherapists. The board shall charge a fee in the same manner as authorized in section 12-20-105 for recording information in the database as required by this section. Information in the database maintained pursuant to this section is open to public inspection at all times.

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

(3) (a) Before the effective date of this subsection (3), as amended, a person not otherwise licensed, registered, or certified
pursuant to this article 245 who is practicing psychotherapy in this state shall register with the board by submitting his or her the person's name, current address, educational qualifications, disclosure statements, therapeutic orientation or methodology, or both, and years of experience in each specialty area. Upon receipt and review of the required information, the board may approve the psychotherapist for registration in the database required by subsection (1) of this section. A registered unlicensed psychotherapist shall update this information upon renewal of his or her the practitioner's registration and at other times and under conditions specified by the board by rule. At the time of recording the information required by this section, the registered unlicensed psychotherapist shall indicate whether he or she the unlicensed psychotherapist has been convicted of, or entered a plea of guilty or nolo contendere to, any felony or misdemeanor.

(b) A person registered as an unlicensed psychotherapist pursuant to this part 7 before the effective date of this subsection (3), as amended, and who meets the requirements of this section may renew his or her registration and continue to practice as an unlicensed psychotherapist.

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

SECTION 34. In Colorado Revised Statutes, 12-245-801, amend
(6) as follows:

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

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

SECTION 35. In Colorado Revised Statutes, 12-245-802, amend
(2) introductory portion as follows:

12-245-802. State board of addiction counselor examiners -
created - members - terms. (2) The board consists of seven members
who are citizens of the United States and residents of the state of
Colorado. The governor shall appoint the members of the board as
follows:

SECTION 36. In Colorado Revised Statutes, 12-245-804, amend
(3) as follows:

12-245-804. Requirements for licensure and certification -
rules. (3) The state board of human services in the department of human
services ADDICTION COUNSELOR EXAMINERS shall promulgate rules with
approval of the board, for certification of addiction counselors; EXCEPT
THAT THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF
HUMAN SERVICES SHALL ESTABLISH BY RULE EDUCATION REQUIREMENTS
FOR CERTIFICATION in accordance with section 27-80-108 (1)(e).

SECTION 37. In Colorado Revised Statutes, 12-245-804, amend
(1)(d)(I), (1)(e), (1)(g), and (2)(c); and add (3.5) and (3.7) as follows:

12-245-804. Requirements for licensure and certification -
rules. (1) The board shall issue a license as an addiction counselor to an applicant who files an application in the form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and submits evidence satisfactory to the board that the applicant:

(d) Demonstrates professional competence by:

(I) Passing a national THE MASTER ADDICTION COUNSELOR examination demonstrating special knowledge and skills in behavioral health disorders counseling as determined by the office of behavioral health in the department of human services and approved by the board ADMINISTERED BY THE NATIONAL ASSOCIATION FOR ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR AN EQUIVALENT EXAMINATION ADMINISTERED BY A SUCCESSOR ORGANIZATION; and

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

(g) Has completed at least five THREE thousand hours of clinically supervised work experience IN THE ADDICTION FIELD WITH A MINIMUM OF TWO THOUSAND DIRECT CLINICAL HOURS. THE CLINICAL SUPERVISION MAY BE IN-PERSON OR TELESUPERVISION.

(2) The board shall issue a certification as an addiction counselor to an applicant who files an application in the form and manner required by the board, submits the fee required by the board pursuant to section 12-245-205, and submits evidence satisfactory to the board that the applicant:

(c) Has met the requirements for certification at a particular certification level AS A CERTIFIED ADDICTION TECHNICIAN OR A CERTIFIED ADDICTION SPECIALIST as specified in rules adopted pursuant to
subsection (3) of this section by the state board of human services in the department of human services AND AS SPECIFIED IN SUBSECTION (3.5) OF THIS SECTION.

(3.5) IN THE RULES PROMULGATED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE STATE BOARD SHALL REQUIRE THAT:

(a) A CERTIFIED ADDICTION TECHNICIAN;

(I) HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT;

(II) ACCRUED A MINIMUM OF ONE THOUSAND HOURS OF SUPERVISED CLINICAL EXPERIENCE HOURS OVER A MINIMUM OF SIX MONTHS, WHICH INCLUDES HOURS ACCRUED PRIOR TO THE APPLICATION FOR CERTIFICATION SO LONG AS THE SUPERVISED CLINICAL EXPERIENCE HOURS MEET ANY ADDITIONAL CRITERIA AS DEFINED BY THE BOARD;

(III) PASSED A JURISPRUDENCE EXAMINATION AS DETERMINED BY THE BOARD; AND

(IV) PASSED THE NATIONAL CERTIFICATION ADDICTION COUNSELOR LEVEL I EXAMINATION ADMINISTERED BY THE NATIONAL ASSOCIATION OF ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR AN EQUIVALENT EXAMINATION ADMINISTERED BY A SUCCESSOR ORGANIZATION.

(b) A CERTIFIED ADDICTION SPECIALIST;

(I) HAVE A BACHELOR'S DEGREE IN A CLINICAL BEHAVIORAL HEALTH CONCENTRATION;

(II) ACCRUED A MINIMUM OF TWO THOUSAND HOURS OF SUPERVISED CLINIC WORK HOURS OVER A MINIMUM OF TWELVE MONTHS, WHICH MAY INCLUDE THE HOURS REQUIRED FOR CERTIFICATION AS A CERTIFIED ADDICTION SPECIALIST;

(III) PASSED A JURISPRUDENCE EXAMINATION AS DETERMINED BY
THE BOARD; AND

(IV) PASSED THE NATIONAL CERTIFICATION ADDICTION COUNSELOR LEVEL II EXAMINATION ADMINISTERED BY THE NATIONAL ASSOCIATION FOR ALCOHOLISM AND DRUG ABUSE COUNSELORS, OR AN EQUIVALENT EXAMINATION ADMINISTERED BY A SUCCESSOR ORGANIZATION.

(3.7) (a) The board shall register as an addiction counselor candidate a person who files an application for registration, accompanied by the fee required by section 12-245-205, who is not in violation of any provision of this article 245 or any rules promulgated by the board, and who:

(I) submits evidence satisfactory to the board that the person has met the requirements of subsections (1)(a), (1)(b), and (1)(c) of this section; and

(II) has not previously registered as an addiction counselor candidate with the board.

(b) An addiction counselor candidate registered pursuant to this subsection (3.7) is under the jurisdiction of the board. If the requirements of subsections (1)(d) to (1)(g) of this section are not met within four years after the date of registration as a candidate or within one year if the candidate holds an equivalent credential from another state, the registration of the addiction counselor candidate expires and is not renewable unless the board, in its discretion, grants the candidate an extension. A person whose addiction counselor candidate registration expires is not precluded from applying for licensure or registration with any other mental health board for which
THE PERSON IS QUALIFIED.

SECTION 38. In Colorado Revised Statutes, 12-245-805, amend (1); and add (3) as follows:

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

(3)(a) THE PRACTICE OF A CERTIFIED ADDICTION TECHNICIAN MAY INCLUDE:

(I) COLLECTION OF BIOPSYCHOSOCIAL SCREENING DATA;

(II) SERVICE COORDINATION AND CASE MANAGEMENT;

(III) MONITORING COMPLIANCE WITH CASE MANAGEMENT PLANS;

(IV) SKILL BASED EDUCATION;

(V) CO-FACILITATING THERAPY GROUPS WITH CERTIFIED ADDICTION SPECIALISTS OR LICENSED ADDICTION COUNSELORS;
(VI) Client, family, and community addiction education;

AND

(VII) Referral and discharge resourcing and planning.

(b) The practice of a certified addiction specialist may include:

(I) Treating substance use and co-occurring disorders;

(II) Clinical assessments including diagnostic impression;

(III) Treatment planning;

(IV) Referral and discharge planning;

(V) Service coordination and case management;

(VI) Addiction counseling for individuals, families, and groups; and

(VII) Client, family, and community education and psycho-education.

SECTION 39. In Colorado Revised Statutes, 12-245-806, amend (1)(b) introductory portion as follows:

12-245-806. Continuing professional competency - rules - definition. (1) (b) The board, in consultation with the office of behavioral health in the department of human services, and in consultation with other stakeholders, shall adopt rules establishing a continuing professional competency program that includes, at a minimum, the following elements:

SECTION 40. In Colorado Revised Statutes, 12-245-806, amend (1)(a), (1)(b) introductory portion, (1)(b)(I), (1)(b)(III), (1)(c) introductory portion, (1)(d), (2)(a), and (3) as follows:

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

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

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

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

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

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

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

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

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

SECTION 41. In Colorado Revised Statutes, 27-80-108, add (2) as follows:

27-80-108. Rules. (2) IN THE RULES PROMULGATED PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION, THE STATE BOARD OF HUMAN
SERVICES SHALL REQUIRE THE FOLLOWING EDUCATION REQUIREMENTS:

(a) For certified addiction technicians:
   (I) Completion of course work and training in addiction counseling, client records management, principles of addiction, professional ethics, culturally informed treatment, pharmacology, motivational interviewing, trauma informed care, and group counseling skills; and
   (II) Other courses and training as determined by the state board of human services.

(b) For certified addiction specialists:
   (I) Completion of course work and training in clinical assessment and treatment planning, cognitive behavioral therapy, co-occurring disorders, advanced pharmacology, advanced professional ethics, advanced motivational interviewing, advanced models, specialized addiction treatment, and infectious diseases; and
   (II) Other courses and training as determined by the state board of human services.

SECTION 42. In Colorado Revised Statutes, 12-20-105, amend (2)(b)(II) as follows:

12-20-105. Fee adjustments - division of professions and occupations cash fund created - legal defense account created - definition. (2) (b) (II) The costs of the state board of psychologist examiners, the state board of marriage and family therapist examiners, the state board of licensed professional counselor examiners, the state board of social work examiners, the state board of registered unlicensed psychotherapists, and the state board of addiction counselor examiners
shall be considered collectively in the renewal fee-setting process. Subsequent revenue generated by the fees set by the boards plus revenues generated pursuant to section 12-245-703 shall be compared to those collective costs to determine recovery of direct and indirect costs.

SECTION 43. In Colorado Revised Statutes, 12-20-407, amend (1)(a)(V)(N) as follows:

12-20-407. Unauthorized practice of profession or occupation - penalties - exclusions. (1) (a) A person commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 for the first offense and, for the second or any subsequent offense, commits a class 6 felony and shall be punished as provided in section 18-1.3-401 if the person:

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

(N) Practice as a psychologist, social worker, marriage and family therapist, licensed professional counselor, UNLICENSED psychotherapist, or addiction counselor, as regulated under article 245 of this title 12;

SECTION 44. In Colorado Revised Statutes, 12-200-108, amend (4)(a) introductory portion; and repeal (4)(a)(III) as follows:

12-200-108. Unlawful acts - exceptions - definition. (4) (a) Notwithstanding any provision of this article 200 to the contrary, a mental health care professional who has provided documentation that he or she has been trained to perform auricular acudetox in compliance
with subsection (4)(d) of this section may perform auricular acudetox if the auricular acudetox is performed under the mental health care professional's current scope of practice, and the mental health care professional is:

(III) Registered as a psychotherapist pursuant to part 7 of article 245 of this title 12.

SECTION 45. In Colorado Revised Statutes, amend 12-245-101 as follows:

12-245-101. Legislative declaration. The general assembly hereby finds and determines that, in order to safeguard the public health, safety, and welfare of the people of this state and in order to protect the people of this state against the unauthorized, unqualified, and improper application of psychology, social work, marriage and family therapy, professional counseling, psychotherapy, and addiction counseling, it is necessary that the proper regulatory authorities be established and adequately provided for. The general assembly therefore declares that there shall be established a state board of psychologist examiners, a state board of social work examiners, a state board of marriage and family therapist examiners, a state board of licensed professional counselor examiners, a state board of registered UNLICENSED psychotherapists," and a state board of addiction counselor examiners with the authority to license, register, or certify, and take disciplinary actions or bring injunctive actions, or both, concerning licensed psychologists and psychologist candidates, licensed social workers, licensed marriage and family therapists and marriage and family therapist candidates, licensed professional counselors and licensed professional counselor candidates, registered UNLICENSED psychotherapists, and licensed and certified
addiction counselors, respectively, and mental health professionals who
have been issued a provisional license pursuant to this article 245.

SECTION 46. In Colorado Revised Statutes, 12-245-202, amend
(1) and (16); repeal (15); and add (17) as follows:

12-245-202. Definitions. As used in this article 245, unless the
context otherwise requires:

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

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

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

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

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

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

(II) Is practicing outside of a school setting; and

(III) Is registered with the state board of registered
psychotherapists pursuant to section 12-245-703;

(16) "Registrant" means a psychologist candidate, marriage and
family therapist candidate, or licensed professional counselor candidate
registered pursuant to section 12-245-304 (3), 12-245-504 (4), or
12-245-604 (4), respectively, or a registered AN UNLICENSED
psychotherapist.

(17) (a) "UNLICENSED PSYCHOTHERAPIST" MEANS A PERSON:

(I) WHOSE PRIMARY PRACTICE IS PSYCHOTHERAPY OR WHO HOLDS
HIMSELF OR HERSELF OUT TO THE PUBLIC AS BEING ABLE TO PRACTICE
PSYCHOTHERAPY FOR COMPENSATION; AND

(II) WHO IS REGISTERED WITH THE STATE BOARD OF UNLICENSED
PSYCHOTHERAPISTS PURSUANT TO SECTION 12-245-703 TO PRACTICE
PSYCHOTHERAPY IN THIS STATE.

(b) "UNLICENSED PSYCHOTHERAPIST" ALSO INCLUDES A PERSON
WHO:

(I) IS A LICENSED SCHOOL PSYCHOLOGIST LICENSED PURSUANT TO
SECTION 22-60.5-210 (1)(b);

(II) IS PRACTICING OUTSIDE OF A SCHOOL SETTING; AND

(III) IS REGISTERED WITH THE STATE BOARD OF UNLICENSED
PSYCHOTHERAPISTS PURSUANT TO SECTION 12-245-703.

SECTION 47. In Colorado Revised Statutes, 12-245-203, amend
(2) as follows:

12-245-203. Practice outside of or beyond professional
training, experience, or competence - general scope of practice for
licensure, registration, or certification. (2) The practice of
psychotherapy is one area of practice for mental health professionals
licensed, certified, or registered pursuant to this article 245 but may not
be the only or primary practice area of the professionals, other than
persons registered as UNLICENSED psychotherapists pursuant to part 7 of
this article 245. The requirements for licensure, registration, or
certification as a mental health professional pursuant to this article 245
are contained in sections 12-245-303, 12-245-403, 12-245-503, 12-245-603, and 12-245-803, which define the practice of psychology, social work, marriage and family therapy, licensed professional counseling, and addiction counseling, respectively.

SECTION 48. In Colorado Revised Statutes, 12-245-205, amend (4) as follows:

12-245-205. Fees - renewal. (4) The director shall coordinate fee-setting pursuant to this section so that all licensees, registrants, and certificate holders pay fees as required by this section and section 12-245-703 (1).

SECTION 49. In Colorado Revised Statutes, amend 12-245-210, as follows:

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

SECTION 50. In Colorado Revised Statutes, 12-245-213, amend (1)(b)(VI)

12-245-213. Professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, and addiction counseling - definitions. (1) Licensees registrants, or certificate holders may form professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, psychotherapy, or addiction counseling under the "Colorado Business Corporation Act", articles 101
to 117 of title 7, if the corporations are organized and operated in accordance with this section. The articles of incorporation of a professional service corporation formed pursuant to this section must contain provisions complying with the following requirements:

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

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

SECTION 51. In Colorado Revised Statutes, 12-245-216, amend (1)(d)(IV), (1)(e), and (4)(g) as follows:

12-245-216. Mandatory disclosure of information to clients.

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

(d) A statement indicating that:

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

(e) If the mental health professional is a registered AN UNLICENSED psychotherapist, a statement indicating that a registered AN UNLICENSED psychotherapist is a psychotherapist listed in the state's database and is authorized by law to practice psychotherapy in Colorado but is not licensed by the state and is not required to satisfy any standardized educational or testing requirements to obtain a registration from the state.

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

(g) By a person licensed or certified pursuant to this article 245 or by a registered AN UNLICENSED psychotherapist practicing in a hospital that is licensed or certified under section 25-1.5-103 (1)(a)(I) or (1)(a)(II).

SECTION 52. In Colorado Revised Statutes, 12-245-217, repeal (4) as follows:

12-245-217. Scope of article - exemptions. (4) The provisions of section 12-245-703 do 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 are subject to the provisions of section 12-245-703.

SECTION 53. In Colorado Revised Statutes, 12-245-225, amend (1)(d) as follows:

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

(d) Deny, revoke, or suspend the listing of a registered AN UNLICENSED psychotherapist in the state board of registered UNLICENSED psychotherapists database established pursuant to section 12-245-703;

SECTION 54. In Colorado Revised Statutes, 12-245-231, amend (5) as follows:

12-245-231. Mental health professional peer health assistance program - fees - administration - rules. (5) As used in this section, "mental health professional" means a psychologist, social worker, marriage and family therapist, licensed professional counselor, psychotherapist, or addiction counselor regulated under this article 245.

SECTION 55. In Colorado Revised Statutes, 12-245-304, amend (3)(b) as follows:


(3) (b) A psychologist candidate registered pursuant to this subsection (3) is under the jurisdiction of the board. The psychologist candidate may, but is not required to, register with the database of registered
psychotherapists pursuant to section 12-245-703. If the requirements of subsections (1)(d) and (1)(e) of this section are not met within four years, the registration of the psychologist candidate expires and is not renewable unless the board, in its discretion, grants the candidate an extension. A person whose psychologist candidate registration expires is not precluded from applying for licensure or registration with any other mental health board for which the person is qualified.

SECTION 56. In Colorado Revised Statutes, 12-245-306, amend (6) as follows:

12-245-306. Exemptions. (6) Nothing in this part 3 prevents the practice of psychotherapy by persons registered with the state board of registered UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 57. In Colorado Revised Statutes, 12-245-404, amend (4) as follows:

12-245-404. Qualifications - examination - licensure and registration. (4) A person licensed as a licensed social worker pursuant to subsection (1) of this section may, but is not required to, register with the database of registered UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 58. In Colorado Revised Statutes, 12-245-406, amend (5) as follows:

12-245-406. Scope of part. (5) Nothing in this part 4 prevents the practice of psychotherapy by persons registered with the state board of registered UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 59. In Colorado Revised Statutes, 12-245-504, amend (4)(b) as follows:
12-245-504. Qualifications - examination - licensure and registration. (4) (b) A marriage and family therapist candidate who registers with the board pursuant to this subsection (4) is under the jurisdiction of the board and may, but is not required to, register with the database of registered UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 60. In Colorado Revised Statutes, 12-245-505, amend (5) as follows:

12-245-505. Rights and privileges of licensure and registration - title. (5) Nothing in this part 5 prevents the practice of psychotherapy by persons registered with the state board of registered UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 61. In Colorado Revised Statutes, 12-245-604, amend (4)(b) as follows:

12-245-604. Licensure - examination - licensed professional counselors. (4) (b) A licensed professional counselor candidate who registers with the board pursuant to this subsection (4) is under the jurisdiction of the board and may, but is not required to, register with the database of registered UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 62. In Colorado Revised Statutes, 12-245-605, amend (4) as follows:

12-245-605. Rights and privileges of licensure - title. (4) Nothing in this part 6 prevents the practice of psychotherapy by persons registered with the state board of registered UNLICENSED psychotherapists pursuant to section 12-245-703.

SECTION 63. In Colorado Revised Statutes, 13-90-107, amend
(1)(g) as follows:

13-90-107. Who may not testify without consent - definitions.

(1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

(g) A licensed psychologist, professional counselor, marriage and family therapist, social worker, or addiction counselor, a registered AN UNLICENSED psychotherapist, a certified addiction counselor, a psychologist candidate registered pursuant to section 12-245-304 (3), a marriage and family therapist candidate registered pursuant to section 12-245-504 (4), a licensed professional counselor candidate registered pursuant to section 12-245-604 (4), or a person described in section 12-245-217 shall not be examined without the consent of the licensee's, certificate holder's, registrant's, candidate's, or person's client as to any communication made by the client to the licensee, certificate holder, registrant, candidate, or person or the licensee's, certificate holder's, registrant's, candidate's, or person's advice given in the course of professional employment; nor shall any secretary, stenographer, or clerk employed by a licensed psychologist, professional counselor, marriage and family therapist, social worker, or addiction counselor, a registered AN UNLICENSED psychotherapist, a certified addiction counselor, a psychologist candidate registered pursuant to section 12-245-304 (3), a marriage and family therapist candidate registered pursuant to section 12-245-504 (4), a licensed professional counselor candidate registered pursuant to section 12-245-604 (4), or a person described in section 12-245-217 be examined without the consent of the employer of the secretary, stenographer, or clerk concerning any fact, the knowledge of
which the employee has acquired in such capacity; nor shall any person
who has participated in any psychotherapy, conducted under the
supervision of a person authorized by law to conduct such therapy,
including group therapy sessions, be examined concerning any
knowledge gained during the course of such therapy without the consent
of the person to whom the testimony sought relates.

SECTION 64. In Colorado Revised Statutes, 18-6.5-108, amend
(1)(b)(VII) as follows:

18-6.5-108. Mandatory reports of mistreatment of at-risk
eiders and at-risk adults with IDD - list of reporters - penalties.
(1) (b) The following persons, whether paid or unpaid, shall report as
required by subsection (1)(a) of this section:

(VII) Psychologists, addiction counselors, professional
 counselors, marriage and family therapists, and registered
psychotherapists, as those persons are defined in article 245 of title 12;

SECTION 65. In Colorado Revised Statutes, 19-1-307, amend
(2)(e.5)(I)(G) as follows:

19-1-307. Dependency and neglect records and information -
access - fee - rules - records and reports fund - misuse of information
- penalty - adult protective services data system check. (2) Records
and reports - access to certain persons - agencies. Except as otherwise
provided in section 19-1-303, only the following persons or agencies
shall have access to child abuse or neglect records and reports:

(e.5) (I) A mandatory reporter specified in this subsection
(2)(e.5)(I) who is and continues to be officially and professionally
involved in the ongoing care of the child who was the subject of the
report, but only with regard to information that the mandatory reporter
has a need to know in order to fulfill his or her professional and official role in maintaining the child's safety. A county department shall request written affirmation from a mandatory reporter stating that the reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report and describing the nature of the involvement, unless the county department has actual knowledge that the mandatory reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report. This subsection (2)(e.5)(I) applies to:

(G) Registered UNLICENSED psychotherapists;

SECTION 66. In Colorado Revised Statutes, 19-3-304, amend (2)(z) as follows:

19-3-304. Persons required to report child abuse or neglect.

(2) Persons required to report such abuse or neglect or circumstances or conditions include any:

(z) Registered UNLICENSED psychotherapists;

SECTION 67. In Colorado Revised Statutes, 24-1-122, amend (3)(ll) as follows:

24-1-122. Department of regulatory agencies - creation.

(3) The following boards and agencies are transferred by a type 1 transfer to the department of regulatory agencies and allocated to the division of professions and occupations:

(ll) State board of registered UNLICENSED psychotherapists, created by part 7 of article 245 of title 12;

SECTION 68. In Colorado Revised Statutes, 26-3.1-102, amend (1)(b)(VII) as follows:

26-3.1-102. Reporting requirements. (1) (b) The following
persons, whether paid or unpaid, are urged to report as described in
subsection (1)(a) of this section:

(VII) Psychologists, addiction counselors, professional
counselors, marriage and family therapists, and registered UNLICENSED
psychotherapists, as those persons are defined in article 245 of title 12;

SECTION 69. In Colorado Revised Statutes, 30-10-606, amend
(6)(a)(II) as follows:

30-10-606. Coroner - inquiry - grounds - postmortem - jury
- certificate of death. (6) (a) Notwithstanding sections 12-245-220 and
13-90-107 (1)(d) or (1)(g), the coroner holding an inquest or investigation
pursuant to this section has the authority to request and receive a copy of:

(II) Any information, record, or report related to treatment,
consultation, counseling, or therapy services from any licensed
psychologist, professional counselor, marriage and family therapist,
social worker, or addiction counselor, certified addiction counselor,
registered UNLICENSED psychotherapist, psychologist candidate registered
pursuant to section 12-245-304 (3), marriage and family therapist
candidate registered pursuant to section 12-245-504 (4), licensed
professional counselor candidate registered pursuant to section
12-245-604 (4), or person described in section 12-245-217, if the report,
record, or information is relevant to the inquest or investigation.

SECTION 70. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, or safety.