

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 20-0516.01 Kristen Forrestal x4217

HOUSE BILL 20-1206

HOUSE SPONSORSHIP

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Public Health Care & Human Services
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF MENTAL**
102 **HEALTH PROFESSIONALS, AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2019**
104 **SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**
105 **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:

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

SENATE
Amended 2nd Reading
June 6, 2020

HOUSE
Amended 3rd Reading
May 27, 2020

HOUSE
Amended 2nd Reading
May 26, 2020

- ! 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.

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

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

4 **12-245-234. Repeal of article - subject to review.** This article
5 245 is repealed, effective September 1, ~~2020~~ 2029. Before the repeal, all
6 of the boards relating to the licensing, registration, or certification of and
7 grievances against any person licensed, registered, or certified pursuant
8 to this article 245 are scheduled for review in accordance with section
9 24-34-104.

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

12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for repeal, continuation, or reestablishment - legislative**
14 **declaration - repeal.** (19) (a) The following agencies, functions, or both,
15 are scheduled for repeal on September 1, 2020:

16 (III) ~~Notwithstanding subsection (7)(a) of this section, the~~

1 ~~functions of the boards specified in article 245 of title 12, relating to the~~
2 ~~licensing, registration, or certification of and grievances against a person~~
3 ~~licensed, registered, or certified pursuant to article 245 of title 12;~~

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

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

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

13 **12-245-204. Boards - division to supervise - meetings - duties**
14 **- powers - rules - removal of members - limitation on authority.**

15 (5) In carrying out its duties related to the approval of applications for
16 licensure, registration, or certification pursuant to this section, section
17 12-245-214, and this article 245, each board shall delegate the function
18 of the preliminary review and approval of applications to the staff of the
19 board, with approval of an application ratified by action of the board IF
20 RATIFICATION IS DEEMED NECESSARY BY THE BOARD. Each board, in its
21 sole discretion, may individually review any application requiring board
22 consideration prior to the approval of the application pursuant to section
23 12-245-214 and this article 245.

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

26 **12-245-210. Drugs - medicine.** (1) Nothing in this article 245
27 permits psychologists, social workers, marriage and family therapists,

1 licensed professional counselors, psychotherapists, and addiction
2 counselors licensed, registered, or certified under this article 245 to
3 administer or prescribe drugs or in any manner engage in the practice of
4 medicine as defined by the laws of this state.

5 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A
6 PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST,
7 LICENSED PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR ADDICTION
8 COUNSELOR LICENSED, REGISTERED, OR CERTIFIED UNDER THIS ARTICLE
9 245 MAY POSSESS, FURNISH, OR ADMINISTER AN OPIATE ANTAGONIST IN
10 ACCORDANCE WITH SECTION 12-30-110.

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

14 **12-30-110. Prescribing or dispensing opiate antagonists -**
15 **authorized recipients - definitions.** (1) (b) A law enforcement agency
16 or first responder; an employee or volunteer of a harm reduction
17 organization; a school district, school, or employee or agent of a school;
18 ~~or~~ a person described in section 25-20.5-1001; OR A MENTAL HEALTH
19 PROFESSIONAL may, pursuant to an order or standing orders and protocols:

20 (2) (b) A law enforcement agency, first responder, harm reduction
21 organization, ~~or~~ person described in section 25-20.5-1001, OR A MENTAL
22 HEALTH PROFESSIONAL is strongly encouraged to educate ~~its~~ employees
23 and volunteers, as well as persons receiving an opiate antagonist from the
24 law enforcement agency, first responder, harm reduction organization, ~~or~~
25 person described in section 25-20.5-1001, OR MENTAL HEALTH
26 PROFESSIONAL, on the use of an opiate antagonist for overdose, including
27 instruction concerning risk factors for overdose, recognizing an overdose,

1 calling emergency medical services, rescue breathing, and administering
2 an opiate antagonist.

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

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

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

17 ~~or~~

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

19 (V) A MENTAL HEALTH PROFESSIONAL.

20 (7) As used in this section:

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

26 **SECTION 6.** In Colorado Revised Statutes, 13-21-108.7, **amend**
27 (3)(b)(I) as follows:

1 **13-21-108. Persons rendering emergency assistance through**
2 **the administration of an opiate antagonist - limited immunity -**
3 **legislative declaration - definitions. (3) General immunity.** (b) This
4 subsection (3) also applies to:

5 (I) A law enforcement agency or first responder; an employee or
6 volunteer of a harm reduction organization; ~~or~~ a school district, school,
7 or employee or agent of a school acting in accordance with section
8 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section
9 22-1-119.1; OR A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION
10 12-30-110 (7)(b.5); and

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

13 **18-1-712. Immunity for a person who administers an opiate**
14 **antagonist during an opiate-related drug overdose event - definitions.**

15 (2) **General immunity.** (b) This subsection (2) also applies to:

16 (I) A law enforcement agency or first responder; an employee or
17 volunteer of a harm reduction organization; ~~or~~ a school district, school,
18 or employee or agent of a school acting in accordance with section
19 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section
20 22-1-119.1; OR A MENTAL HEALTH PROFESSIONAL AS DEFINED IN SECTION
21 12-30-110 (7)(b.5); and

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

24 **12-245-213. Professional service corporations for the practice**
25 **of psychology, social work, marriage and family therapy,**
26 **professional counseling, and addiction counseling - definitions.**

27 (1) Licensees, registrants, or certificate holders may, BUT ARE NOT

1 REQUIRED TO, form professional service corporations for the practice of
2 psychology, social work, marriage and family therapy, professional
3 counseling, psychotherapy, or addiction counseling under the "Colorado
4 Business Corporation Act", articles 101 to 117 of title 7, if the
5 corporations are organized and operated in accordance with this section.
6 The articles of incorporation of a professional service corporation formed
7 pursuant to this section must contain provisions complying with the
8 following requirements:

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

11 **12-245-214. Denial of license, registration, or certification -**
12 **reinstatement.** (2) If a board determines that an applicant does not
13 possess the applicable qualifications required by this article 245 or, for a
14 licensed clinical social worker, licensed social worker, licensed marriage
15 and family therapist, licensed professional counselor, licensed addiction
16 counselor, or ~~level II or III~~ certified addiction counselor, is unable to
17 demonstrate ~~his or her~~ continued professional competence as required by
18 section 12-245-410, 12-245-506, 12-245-606, or 12-245-806,
19 respectively, the board may deny the applicant a license, registration, or
20 certification or deny the reinstatement of a license, registration, or
21 certification. If the application is denied, the board shall provide the
22 applicant with a statement in writing setting forth the basis of the board's
23 determination that the applicant does not possess the qualifications or
24 professional competence required by this article 245. The applicant may
25 request a hearing on the determination as provided in section 24-4-104
26 (9).

27 **SECTION 10.** In Colorado Revised Statutes, 12-245-216, **amend**

1 (1)(d)(IV) and (1)(e); and **add** (1)(f) as follows:

2 **12-245-216. Mandatory disclosure of information to clients.**

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

6 (d) A statement indicating that:

7 (IV) The information provided by the client during therapy
8 sessions is legally confidential in the case of licensed marriage and family
9 therapists, social workers, professional counselors, and psychologists;
10 licensed or certified addiction counselors; and registered psychotherapists
11 INDIVIDUALS LICENSED, CERTIFIED, OR REGISTERED PURSUANT TO THIS
12 ARTICLE 245, except as provided in section 12-245-220 and except for

13 certain legal exceptions that will be identified by the licensee, registrant,
14 or certificate holder should any such situation arise during therapy; **and**

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

21 (f) A STATEMENT INDICATING THAT A CLIENT'S RECORDS MAY NOT
22 BE MAINTAINED AFTER SEVEN YEARS PURSUANT TO SECTION 12-245-226
23 (1)(a)(II)(A).

24 **SECTION 11.** In Colorado Revised Statutes, 12-245-217, **amend**
25 (2)(e)(IV); and **add** (2)(g) and (2)(h) as follows:

26 **12-245-217. Scope of article - exemptions.** (2) The provisions
27 of this article 245 shall not apply to:

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

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

8

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

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

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

16 **12-245-218. Title use restrictions.** (1) A psychologist, social
17 worker, marriage and family therapist, professional counselor,
18 PSYCHOTHERAPIST, or addiction counselor may only use the title for
19 which ~~he or she~~ THE PERSON is licensed, certified, or registered under this
20 article 245. Except as provided in section 12-245-306 (3), no other person
21 shall:

22 (a) Hold himself or herself out to the public by any title or
23 description of services incorporating the terms "licensed clinical social
24 worker", "clinical social worker", "LCSW", "licensed social worker",
25 "LSW", "CLINICAL SOCIAL WORKER CANDIDATE", "PROVISIONAL SOCIAL
26 WORKER", "SWP", "marriage and family therapist", "LMFT", "MFT",
27 "MARRIAGE AND FAMILY THERAPIST CANDIDATE", "MFT CANDIDATE",

1 "MFTC", "professional counselor", "LICENSED PROFESSIONAL
2 COUNSELOR", "LPC", "LICENSED PROFESSIONAL COUNSELOR CANDIDATE",
3 "LPCC", "PROVISIONAL LICENSED PROFESSIONAL COUNSELOR",
4 "psychologist", "PROVISIONAL PSYCHOLOGIST", "psychologist candidate",
5 "psychology", "psychological", "UNLICENSED PSYCHOTHERAPIST",
6 "addiction counselor", "licensed addiction counselor", "LAC", "certified
7 addiction counselor", or "CAC"; ~~and no other person shall~~; OR

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

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

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

16 **12-245-220. Disclosure of confidential communications -**
17 **definitions.** (2) Subsection (1) of this section does not apply AND A
18 PERSON MAY DISCLOSE CONFIDENTIAL INFORMATION when:

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

21 (6) ~~This section does not apply to covered entities, their business~~
22 ~~associates, or health oversight agencies, as each is defined in the federal~~
23 ~~"Health Insurance Portability and Accountability Act of 1996", as~~
24 ~~amended by the federal "Health Information Technology for Economic~~
25 ~~and Clinical Health Act", Pub.L. 111-5, as amended, and the respective~~
26 ~~implementing regulations.~~

27 **SECTION 14.** In Colorado Revised Statutes, **add 12-245-222.5**

1 as follows:

2 **12-245-222.5. Mental health disciplinary record work group**
3 **- creation - recommendations - report - repeal. (1) THERE IS CREATED**
4 **IN THE DIVISION THE MENTAL HEALTH DISCIPLINARY RECORD WORK GROUP**
5 **CONCERNING RECORDS THAT IMPACT THE INITIAL LICENSURE,**
6 **CERTIFICATION, REGISTRATION, AND ONGOING PRACTICE OF INDIVIDUALS**
7 **REGULATED PURSUANT TO THIS ARTICLE 245.**

8 **(2) THE DIRECTOR SHALL SERVE AS A MEMBER OF THE WORK**
9 **GROUP AND SHALL APPOINT ADDITIONAL MEMBERS THAT INCLUDE THE**
10 **FOLLOWING:**

11 **(a) THREE MENTAL HEALTH PROFESSIONALS REGULATED**
12 **PURSUANT TO THIS ARTICLE 245;**

13 **(b) TWO REPRESENTATIVES OF ASSOCIATIONS THAT REPRESENT**
14 **PROFESSIONALS REGULATED UNDER THIS ARTICLE 245;**

15 **(c) ONE REPRESENTATIVE FROM THE OPIOID AND OTHER**
16 **SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN SECTION**
17 **10-22.3-101; AND**

18 **(d) THREE MEMBERS OF THE PUBLIC WHO OFFER EXPERTISE ON**
19 **CRIMINAL JUSTICE REFORM, THE MENTAL HEALTH WORKFORCE, AND**
20 **CONSUMER PROTECTION.**

21 **(3) THE DIRECTOR SHALL CONVENE MEETINGS OF THE WORK**
22 **GROUP, WHICH SHALL MEET AS OFTEN AS THE DIRECTOR DEEMS**
23 **NECESSARY. A MAJORITY OF WORK GROUP MEMBERS MUST BE PRESENT AT**
24 **THE MEETING IN ORDER TO PROCEED.**

25 **(4) THE WORK GROUP IS AUTHORIZED TO MEET USING ONLINE**
26 **COMMUNICATIONS PLATFORMS AND MAY MEET IN PERSON AS**
27 **CIRCUMSTANCES ALLOW.**

1 (5) MEMBERS OF THE WORK GROUP SHALL SERVE WITHOUT
2 COMPENSATION.

3 (6) ON OR BEFORE JANUARY 1, 2021, THE WORK GROUP SHALL
4 CONSIDER RECOMMENDATIONS CONCERNING RULEMAKING AND
5 LEGISLATIVE ACTIONS REGARDING:

6 (a) THE TIMELINE FOR WHICH THE DIVISION SHALL MAKE LETTERS
7 OF ADMONITION AVAILABLE TO THE PUBLIC AND ANY EXCEPTIONS FOR
8 CONTINUED INTERNAL USE BY THE APPLICABLE REGULATOR; AND

9 (b) THE TIMELINES, PARAMETERS, AND CONDITIONS FOR WHICH
10 THE DIVISION IS AUTHORIZED TO DISCLOSE TO THE PUBLIC RECORDS FOR
11 CERTAIN FELONIES, DEFERRED SENTENCES, OR FELONY CHARGES THAT ARE
12 NONVIOLENT, INCLUDING NONVIOLENT DRUG OFFENSES, THAT OCCURRED
13 BEFORE THE DATE OF APPLICATION FOR INITIAL LICENSURE,
14 CERTIFICATION, OR REGISTRATION.

15 (7) IN CONSIDERING ITS RECOMMENDATIONS, THE WORK GROUP
16 MUST CONSIDER AND ACCEPT PUBLIC COMMENT REGARDING IMPACTS OF
17 CURRENT POLICIES ON:

18 (a) CONSUMER PROTECTION;

19 (b) THE MENTAL HEALTH WORKFORCE;

20 (c) SOCIAL EQUITY; AND

21 (d) PATIENT ACCESS TO CARE.

22 (8) THE WORK GROUP SHALL REPORT ITS FINAL RECOMMENDATIONS
23 AND A MINORITY REPORT, IF APPLICABLE, ON OR BEFORE JANUARY 1, 2021
24 TO:

25 (a) THE HEALTH AND HUMAN SERVICES OF THE SENATE, OR ITS
26 SUCCESSOR COMMITTEE;

27 (b) THE HEALTH AND INSURANCE COMMITTEE AND THE PUBLIC

1 HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
2 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES;

3 (c) THE GOVERNOR; AND

4 (d) THE EXECUTIVE DIRECTOR.

5 (9) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2021.

6 **SECTION 15.** In Colorado Revised Statutes, 12-245-224, **amend**
7 (1)(a)(I) and (1)(q); and add (1.5) as follows:

8 **12-245-224. Prohibited activities - related provisions -**
9 **definition.** (1) A person licensed, registered, or certified under this
10 article 245 violates this article 245 if the person:

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

17 == ==

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

27 (1.5) ANY CONTRACT ENTERED INTO BY A LICENSEE, CERTIFICATE

1 HOLDER, OR REGISTRANT FOR THE PURPOSE OF MARKETING, OFFICE SPACE,
2 ADMINISTRATIVE SUPPORT, OR ANY OTHER OVERHEAD EXPENSE SHALL NOT
3 PROVIDE REMUNERATION FOR REFERRALS OF CLIENTS OR PATIENTS OR
4 OTHERWISE CREATE A FINANCIAL BENEFIT OR INCENTIVE TO THE
5 CONTRACTOR THAT IS TIED TO OR CONDITIONED ON THE NUMBER OF
6 CLIENTS OR PATIENTS THAT THE LICENSEE, CERTIFICATE HOLDER, OR
7 REGISTRANT SEES, THE VALUE OF THE SERVICES THAT THE LICENSEE,
8 CERTIFICATE HOLDER, OR REGISTRANT PROVIDES, OR ANY FINANCIAL
9 RECOVERY TO WHICH THE LICENSEE, CERTIFICATE HOLDER, OR
10 REGISTRANT IS ENTITLED.

11 **SECTION 16.** In Colorado Revised Statutes, 12-245-226, **amend**
12 **(2)(d)(I) and (4)(a); repeal (4)(b); and add (9)** as follows:

13 **12-245-226. Disciplinary proceedings - judicial review - mental**
14 **and physical examinations - multiple licenses.** (2) (d) (I) If a board has
15 reasonable cause to believe that a licensee, registrant, or certificate holder
16 whom the board licenses, registers, or certifies pursuant to this article 245
17 is unable to practice with reasonable skill and safety to patients, the board
18 may require the licensee, registrant, or certificate holder to submit to
19 mental or physical examinations designated by the board. Upon the
20 failure of the licensee, registrant, or certificate holder to submit to a
21 mental or physical examination, and unless the person shows good cause
22 for the failure, the board may ~~act pursuant to subsection (2)(c) of this~~
23 ~~section or enjoin a licensee, registrant, or certificate holder pursuant to~~
24 ~~section 12-245-230~~ SUSPEND THE LICENSE, CERTIFICATION, OR
25 REGISTRATION OF THE PERSON until the person submits to the required
26 examinations.

27

1 **SECTION 17.** In Colorado Revised Statutes, 12-245-233, **amend**
2 (1), (2), and (4) as follows:

3 **12-245-233. Auricular acudetox by professionals - training -**
4 **definition.** (1) A ~~mental health care~~ professional who has provided
5 documentation that he or she has been trained to perform auricular
6 acudetox in accordance with subsection (4) of this section may perform
7 auricular acudetox if the auricular acudetox is performed under the ~~mental~~
8 ~~health care~~ professional's current scope of practice. ~~and the mental health~~
9 ~~professional is:~~

10 ~~(a) Licensed pursuant to this article 245;~~

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

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

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

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

25 **SECTION 18.** In Colorado Revised Statutes, 12-245-404, **amend**
26 (2)(c) and (4) as follows:

27 **12-245-404. Qualifications - examination - licensure and**

1 **registration.** (2) The board shall license as a licensed clinical social
2 worker a person who files an application, in a form and manner required
3 by the board, submits the fee required by the board pursuant to section
4 12-245-205, and submits evidence satisfactory to the board that the
5 applicant:

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

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

14 THE BOARD SHALL REGISTER AS A CLINICAL SOCIAL WORKER CANDIDATE
15 A PERSON WHO FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED
16 BY THE FEE REQUIRED BY SECTION 12-245-205, WHO IS NOT IN VIOLATION
17 OF ANY PROVISION OF THIS ARTICLE 245 OR ANY RULES PROMULGATED BY
18 THE BOARD, AND WHO:

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

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

24 (b) A CLINICAL SOCIAL WORKER CANDIDATE REGISTERED
25 PURSUANT TO THIS SUBSECTION (4) IS UNDER THE JURISDICTION OF THE
26 BOARD. IF THE REQUIREMENTS OF SUBSECTIONS (2)(c) AND (2)(d) OF THIS
27 SECTION ARE NOT MET WITHIN FOUR YEARS AFTER THE DATE OF

1 REGISTRATION AS A CANDIDATE, THE REGISTRATION OF THE CLINICAL
2 SOCIAL WORKER CANDIDATE EXPIRES AND IS NOT RENEWABLE UNLESS THE
3 BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A
4 PERSON WHOSE CLINICAL SOCIAL WORKER CANDIDATE REGISTRATION
5 EXPIRES IS NOT PRECLUDED FROM APPLYING FOR LICENSURE OR
6 REGISTRATION WITH ANY OTHER MENTAL HEALTH BOARD FOR WHICH THE
7 PERSON IS QUALIFIED.

8 **SECTION 19.** In Colorado Revised Statutes, 12-245-406, **amend**
9 (3) as follows:

10 **12-245-406. Scope of part.** (3) No person may supervise the
11 practice of social work for the purpose of licensure compliance or
12 disciplinary proceedings unless ~~licensed~~ APPROVED BY THE BOARD
13 pursuant to section 12-245-404. ~~except that, in cases where no licensed~~
14 ~~clinical social worker is available for supervision for licensure, the~~
15 ~~licensee may apply to the board for approval to be supervised by a person~~
16 ~~with equivalent experience as determined by the board.~~

17 **SECTION 20.** In Colorado Revised Statutes, **amend** 12-245-408
18 as follows:

19 **12-245-408. Clinical social work practice of psychotherapy.**
20 For the purpose of licensure, the practice, under this part 4, of
21 psychotherapy and other clinical activities within the definition of social
22 work practice in section 12-245-403 is limited to licensed clinical social
23 workers or licensed social workers supervised ~~by licensed clinical social~~
24 ~~workers~~ IN ACCORDANCE WITH SECTION 12-245-404 (2)(c).

25 **SECTION 21.** In Colorado Revised Statutes, 12-245-410, **amend**
26 (1)(b)(III) as follows:


27 **12-245-410. Continuing professional competency - rules -**

1 **definition.** (1) (b) The board shall adopt rules establishing a continuing
2 professional competency program that includes, at a minimum, the
3 following elements:

4 (III) Periodic demonstration of knowledge and skills through
5 documentation of activities necessary to ensure at least minimal ability to
6 safely practice the profession. COURSE WORK PROVIDED BY AN
7 ACCREDITED EDUCATIONAL INSTITUTION OR A NATIONALLY OR
8 REGIONALLY RECOGNIZED PROFESSIONAL ORGANIZATION IS THE ONLY ONE
9 OF A NUMBER OF CONTINUING PROFESSIONAL COMPETENCY ACTIVITIES
10 THAT MAY SATISFY THE FULL CONTINUING COMPETENCY REQUIREMENT.
11 Nothing in this subsection (1)(b)(III) shall require a licensed clinical
12 social worker or a licensed social worker to retake any examination
13 required pursuant to section 12-245-404 in connection with initial
14 licensure.

15 **SECTION 22.** In Colorado Revised Statutes, 12-245-302, **amend**
16 (2) introductory portion and (3) as follows:

17 **12-245-302. State board of psychologist examiners - created**
18 **- members - terms.** (2) The board consists of seven members who are
19 ~~citizens of the United States and~~ residents of the state of Colorado as
20 follows:

21 

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

1 appointment for the unexpired term of the member.

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

4 (I) ~~The second term of office of the licensed psychologist board~~
5 ~~member and one of the two board members representing the general~~
6 ~~public, whose second term would otherwise expire on June 30, 2010,~~
7 ~~shall expire on May 31, 2008, and the governor shall appoint one new~~
8 ~~licensed psychologist and one new representative of the general public to~~
9 ~~serve terms as described in subsection (3)(a) of this section commencing~~
10 ~~on June 1, 2008.~~

11 (H) ~~The initial term of office of the one board member~~
12 ~~representing the general public whose initial term would otherwise expire~~
13 ~~on June 30, 2009, shall expire on May 31, 2009, and the board member~~
14 ~~is eligible to serve one additional four-year term commencing on June 1,~~
15 ~~2009, and expiring on May 31, 2013. On and after the expiration of this~~
16 ~~board member's term or a vacancy in this position, the governor shall~~
17 ~~appoint a licensed psychologist to this position on the board, who is~~
18 ~~eligible to serve terms as described in subsection (3)(a) of this section~~
19 ~~commencing on June 1 of the applicable year.~~

20 (H) ~~The initial term of office of one of the two licensed~~
21 ~~psychologist board members whose initial term would otherwise expire~~
22 ~~on June 30, 2010, shall expire on May 31, 2009. This board member shall~~
23 ~~be eligible to serve one additional four-year term, commencing on June~~
24 ~~1, 2009, and expiring on May 31, 2013. On and after the expiration of this~~
25 ~~board member's term, persons appointed to this position on the board~~
26 ~~shall serve terms as described in subsection (3)(a) of this section~~
27 ~~commencing on June 1 of the applicable year.~~

1 ~~(IV) The initial terms of office of the remaining licensed~~
2 ~~psychologist board member and the other board member representing the~~
3 ~~general public, whose initial terms would otherwise expire on June 30,~~
4 ~~2010, shall expire on May 31, 2010. Each of these board members shall~~
5 ~~be eligible to serve one additional four-year term commencing on June 1,~~
6 ~~2010, and expiring on May 31, 2014. On and after the expiration of these~~
7 ~~board members' terms, persons appointed to these positions on the board~~
8 ~~shall serve terms as described in subsection (3)(a) of this section~~
9 ~~commencing on June 1 of the applicable year.~~

10 ~~(V) The second term of office of the remaining board member~~
11 ~~representing the general public whose second term would otherwise~~
12 ~~expire on June 30, 2010, shall expire on May 31, 2010. The governor~~
13 ~~shall appoint one new representative of the general public to serve terms~~
14 ~~as described in subsection (3)(a) of this section commencing on June 1,~~
15 ~~2010.~~

16 **SECTION 23.** In Colorado Revised Statutes, 12-245-304, **amend**
17 **(1)(d) and (1)(e); and add (1)(f) as follows:**

18 **12-245-304. Qualifications - examinations - licensure.** (1) The
19 board shall issue a license as a psychologist to each applicant who files
20 an application in a form and manner required by the board, submits the
21 fee required by the board pursuant to section 12-245-205, and furnishes
22 evidence satisfactory to the board that the applicant:

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

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

1 (f) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(f),
2 UPON THE INITIAL APPLICATION FOR LICENSURE HAS COMPLETED A
3 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
4 22-2-119.3 (6)(d), WITH SATISFACTORY RESULTS AS DETERMINED BY THE
5 BOARD.

6 **SECTION 24.** In Colorado Revised Statutes, 12-245-402, **amend**
7 (1) as follows:

8 **12-245-402. State board of social work examiners - created -**
9 **members - terms.** (1) There is hereby created under the supervision and
10 control of the division the state board of social work examiners, which
11 ~~shall consist~~ CONSISTS of seven members who are ~~citizens of the United~~
12 ~~States and~~ residents of the state of Colorado.

13 **SECTION 25.** In Colorado Revised Statutes, 12-245-502, **amend**
14 (1) as follows:

15 **12-245-502. State board of marriage and family therapist**
16 **examiners - created - members - terms.** (1) There is hereby created
17 under the supervision and control of the division the state board of
18 marriage and family therapist examiners, which ~~shall consist~~ CONSISTS of
19 seven members who are ~~citizens of the United States and~~ residents of the
20 state of Colorado.

21 **SECTION 26.** In Colorado Revised Statutes, 12-245-601, **add**
22 (1.5) and (2.5) as follows:

23 **12-245-601. Definitions.** As used in this part 6, unless the context
24 otherwise requires:

25 (1.5) "CLINICAL SUPERVISION" MEANS SUPERVISION PROVIDED BY
26 A LICENSED PROFESSIONAL COUNSELOR SUPERVISOR, LICENSED
27 PSYCHOLOGIST, LICENSED MARRIAGE AND FAMILY THERAPIST, LICENSED

1 CLINICAL SOCIAL WORKER, OR LICENSED ADDICTION COUNSELOR; THAT IS
2 NOT ADMINISTRATIVE IN NATURE; AND THAT MAY INCLUDE A
3 COLLABORATIVE RELATIONSHIP THAT PROMOTES THE EDUCATION,
4 GROWTH, AND DEVELOPMENT OF A LICENSED PROFESSIONAL COUNSELOR
5 APPLICANT AND PROVIDES FOR THE EVALUATION OF THE APPLICANT'S
6 CLINICAL PERFORMANCE AND COMPETENCY.

7 (2.5) "LICENSED PROFESSIONAL COUNSELOR SUPERVISOR" MEANS
8 A LICENSED PROFESSIONAL COUNSELOR WHO HAS RECEIVED EDUCATION
9 AND TRAINING IN THE CLINICAL SUPERVISION OF MENTAL HEALTH
10 PROFESSIONALS AS DETERMINED BY THE BOARD.

11 **SECTION 27.** In Colorado Revised Statutes, 12-245-602, **amend**
12 (1) as follows:

13 **12-245-602. State board of licensed professional counselor**
14 **examiners - created - members - fines.** (1) There is hereby created the
15 state board of licensed professional counselor examiners under the
16 supervision and control of the division. The board ~~shall consist~~ CONSISTS
17 of seven members who are ~~citizens of the United States and~~ residents of
18 the state of Colorado.

19 **SECTION 28.** In Colorado Revised Statutes, 12-245-501, **add**
20 (2.5) as follows:

21 **12-245-501. Definitions.** As used in this part 5, unless the context
22 otherwise requires:

23 (2.5) "CLINICAL SUPERVISION" MEANS:

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

27 (b) A SOURCE OF KNOWLEDGE, EXPERTISE, AND MORE ADVANCED

1 SKILLS MADE AVAILABLE TO THE PERSON BEING SUPERVISED.

2 **SECTION 29.** In Colorado Revised Statutes, 12-245-504, **amend**
3 (1)(d) as follows:

4 **12-245-504. Qualifications - examination - licensure and**
5 **registration.** (1) The board shall issue a license as a marriage and family
6 therapist to each applicant who files an application in a form and manner
7 required by the board, submits the fee required by the board pursuant to
8 section 12-245-205, and furnishes evidence satisfactory to the board that
9 the applicant:

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

17 **SECTION 30.** In Colorado Revised Statutes, 12-245-604, **amend**
18 (1)(d) as follows:

19 **12-245-604. Licensure - examination - licensed professional**
20 **counselors.** (1) The board shall issue a license as a licensed professional
21 counselor to each applicant who files an application in a form and manner
22 required by the board, submits the fee required by the board pursuant to
23 section 12-245-205, and furnishes evidence satisfactory to the board that
24 the applicant:

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

1 (II) HAS AT LEAST TWO THOUSAND HOURS OF PRACTICE IN
2 COUNSELING, INCLUDING AT LEAST ONE THOUSAND FIVE HUNDRED HOURS
3 OF FACE-TO-FACE DIRECT CLIENT CONTACT UNDER CLINICAL SUPERVISION
4 THAT IS IN-PERSON OR IS TELESUPERVISION; AND

5 **SECTION 31.** In Colorado Revised Statutes, 12-245-604, **add** (5)
6 as follows:

7 **12-245-604. Licensure - examination - licensed professional**
8 **counselors.** (5) (a) IF AN APPLICANT HAS COMPLETED AN EQUIVALENT
9 PROGRAM AS DETERMINED BY THE BOARD PURSUANT TO SUBSECTION
10 (1)(c) OF THIS SECTION, THE BOARD SHALL NOT PLACE ADDITIONAL
11 REQUIREMENTS, BARRIERS, OR BURDENS RELATED TO LICENSURE OR
12 SUPERVISION ON THE APPLICANT.

13 (b) THE BOARD SHALL NOT GIVE PREFERENCE CONCERNING
14 LICENSURE, SUPERVISION, OR OTHER REQUIREMENTS OF THIS PART 6 TO AN
15 APPLICANT WHO HAS COMPLETED A MASTER'S OR DOCTORAL DEGREE IN
16 PROFESSIONAL COUNSELING FROM AN ACCREDITED SCHOOL OR COLLEGE
17 PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION BASED UPON THE
18 ACCREDITING ORGANIZATION.

19 **SECTION 32.** In Colorado Revised Statutes, 12-245-701, **amend**
20 (1) as follows:

21 **12-245-701. Definitions.** As used in this part 7, unless the context
22 otherwise requires:

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

25 **SECTION 33.** In Colorado Revised Statutes, 12-245-702, **amend**
26 (1), (3), and (4) as follows:

27 **12-245-702. State board of unlicensed psychotherapists -**

1 **creation - membership.** (1) There is hereby created the state board of
2 ~~registered~~ UNLICENSED psychotherapists, which ~~shall be~~ IS under the
3 supervision and control of the division as provided in section 12-20-103
4 (2). The board ~~shall consist~~ CONSISTS of seven members who are residents
5 of the state of Colorado.

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

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

12 **SECTION 34.** In Colorado Revised Statutes, 12-245-703, **amend**
13 (1), (3), and (4); and repeal (2) as follows:

14 **12-245-703. Database of unlicensed psychotherapists -**
15 **unauthorized practice - penalties - data collection.** (1) The board shall
16 maintain a database of all ~~registered~~ UNLICENSED psychotherapists. The
17 board shall charge a fee in the same manner as authorized in section
18 12-20-105 for recording information in the database as required by this
19 section. Information in the database maintained pursuant to this section
20 is open to public inspection at all times.

21 (2) A person who: Is licensed pursuant to part 3, 4, 5, 6, or 8 of
22 this article 245; is registered as a psychologist candidate, licensed social
23 worker, marriage and family therapist candidate, or professional
24 counselor candidate; or is enrolled in a professional training program at
25 an approved school and actively working toward acquiring and
26 demonstrating the necessary qualifications for licensure set forth in
27 section 12-245-304, 12-245-404, 12-245-504, 12-245-604, or 12-245-804

1 may, but is not required to, register with the database of registered
2 psychotherapists.

3 (3) (a) ~~Any~~ BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (3),
4 AS AMENDED, A person not otherwise licensed, registered, or certified
5 pursuant to this article 245 who is practicing psychotherapy in this state
6 shall register with the board by submitting ~~his or her~~ THE PERSON'S name,
7 current address, educational qualifications, disclosure statements,
8 therapeutic orientation or methodology, or both, and years of experience
9 in each specialty area. Upon receipt and review of the required
10 information, the board may approve the psychotherapist for registration
11 in the database required by subsection (1) of this section. ~~A registered~~ AN
12 UNLICENSED psychotherapist shall update this information upon renewal
13 of ~~his or her~~ THE PRACTITIONER'S registration and at other times and under
14 conditions specified by the board by rule. At the time of recording the
15 information required by this section, the ~~registered~~ UNLICENSED
16 psychotherapist shall indicate whether ~~he or she~~ THE UNLICENSED
17 PSYCHOTHERAPIST has been convicted of, or entered a plea of guilty or
18 nolo contendere to, any felony or misdemeanor.

19 (b) A PERSON REGISTERED AS AN UNLICENSED PSYCHOTHERAPIST
20 PURSUANT TO THIS PART 7 BEFORE THE EFFECTIVE DATE OF THIS
21 SUBSECTION (3), AS AMENDED, AND WHO MEETS THE REQUIREMENTS OF
22 THIS SECTION MAY RENEW HIS OR HER REGISTRATION AND CONTINUE TO
23 PRACTICE AS AN UNLICENSED PSYCHOTHERAPIST.

24 (4) An unlicensed person whose primary practice is psychotherapy
25 or who holds himself or herself out to the public as able to practice
26 psychotherapy for compensation shall not practice psychotherapy unless
27 the person is registered with the board and included in the database

1 required by this section. Notwithstanding the requirements of this section,
2 a registered psychotherapist AN UNLICENSED PSYCHOTHERAPIST shall not
3 use the term "licensed", "certified", "clinical", "state-approved", or any
4 other term or abbreviation that would falsely give the impression that the
5 psychotherapist or the service that is being provided is recommended by
6 the state, based solely on inclusion in the database.

7 **SECTION 35.** In Colorado Revised Statutes, 12-245-801, **amend**
8 (6) as follows:

9 **12-245-801. Definitions.** As used in this part 8, unless the context
10 otherwise requires:

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

13 **SECTION 36.** In Colorado Revised Statutes, 12-245-802, **amend**
14 (2) introductory portion as follows:

15 **12-245-802. State board of addiction counselor examiners -**
16 **created - members - terms.** (2) The board consists of seven members
17 who are ~~citizens of the United States and~~ residents of the state of
18 Colorado. The governor shall appoint the members of the board as
19 follows:

20 **SECTION 37.** In Colorado Revised Statutes, 12-245-804, **amend**
21 (3) as follows:

22 **12-245-804. Requirements for licensure and certification -**
23 **rules.** (3) The state board of ~~human services in the department of human~~
24 ~~services~~ ADDICTION COUNSELOR EXAMINERS shall promulgate rules ~~with~~
25 ~~approval of the board,~~ for certification of addiction counselors; EXCEPT
26 THAT THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF
27 HUMAN SERVICES SHALL ESTABLISH BY RULE EDUCATION REQUIREMENTS

1 FOR CERTIFICATION in accordance with section 27-80-108 (1)(e).

2 **SECTION 38.** In Colorado Revised Statutes, 12-245-804, **amend**
3 (1)(d)(I), (1)(e), (1)(g), and (2)(c); and **add** (3.5) and (3.7) as follows:

4 **12-245-804. Requirements for licensure and certification -**
5 **rules.** (1) The board shall issue a license as an addiction counselor to an
6 applicant who files an application in the form and manner required by the
7 board, submits the fee required by the board pursuant to section
8 12-245-205, and submits evidence satisfactory to the board that the
9 applicant:

10 (d) Demonstrates professional competence by:

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

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

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

24 (2) The board shall issue a certification as an addiction counselor
25 to an applicant who files an application in the form and manner required
26 by the board, submits the fee required by the board pursuant to section
27 12-245-205, and submits evidence satisfactory to the board that the

1 applicant:

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

8 (3.5) IN THE RULES PROMULGATED PURSUANT TO SUBSECTION (3)
9 OF THIS SECTION, THE STATE BOARD SHALL REQUIRE THAT:

10 (a) A CERTIFIED ADDICTION TECHNICIAN:

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

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

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

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

24 (b) A CERTIFIED ADDICTION SPECIALIST:

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

27 (II) ACCRUED A MINIMUM OF TWO THOUSAND HOURS OF

1 SUPERVISED CLINIC WORK HOURS OVER A MINIMUM OF TWELVE MONTHS,
2 WHICH MAY INCLUDE THE HOURS REQUIRED FOR CERTIFICATION AS A
3 CERTIFIED ADDICTION SPECIALIST;

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

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

11 (3.7) (a) THE BOARD SHALL REGISTER AS AN ADDICTION
12 COUNSELOR CANDIDATE A PERSON WHO FILES AN APPLICATION FOR
13 REGISTRATION, ACCOMPANIED BY THE FEE REQUIRED BY SECTION
14 12-245-205, WHO IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE
15 245 OR ANY RULES PROMULGATED BY THE BOARD, AND WHO:

16 (I) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT THE
17 PERSON HAS MET THE REQUIREMENTS OF SUBSECTIONS (1)(a), (1)(b), AND
18 (1)(c) OF THIS SECTION; AND

19 (II) HAS NOT PREVIOUSLY REGISTERED AS AN ADDICTION
20 COUNSELOR CANDIDATE WITH THE BOARD.

21 (b) AN ADDICTION COUNSELOR CANDIDATE REGISTERED PURSUANT
22 TO THIS SUBSECTION (3.7) IS UNDER THE JURISDICTION OF THE BOARD. IF
23 THE REQUIREMENTS OF SUBSECTIONS (1)(d) TO (1)(g) OF THIS SECTION
24 ARE NOT MET WITHIN FOUR YEARS AFTER THE DATE OF REGISTRATION AS
25 A CANDIDATE OR WITHIN ONE YEAR IF THE CANDIDATE HOLDS AN
26 EQUIVALENT CREDENTIAL FROM ANOTHER STATE, THE REGISTRATION OF
27 THE ADDICTION COUNSELOR CANDIDATE EXPIRES AND IS NOT RENEWABLE

1 UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN
2 EXTENSION. A PERSON WHOSE ADDICTION COUNSELOR CANDIDATE
3 REGISTRATION EXPIRES IS NOT PRECLUDED FROM APPLYING FOR LICENSURE
4 OR REGISTRATION WITH ANY OTHER MENTAL HEALTH BOARD FOR WHICH
5 THE PERSON IS QUALIFIED.

6 **SECTION 39.** In Colorado Revised Statutes, 12-245-805, **amend**
7 (1); and **add** (3) as follows:

8 **12-245-805. Rights and privileges of certification and licensure**
9 **- titles.** (1) Any person who possesses a valid, unsuspended, and
10 unrevoked certificate as a ~~level I, II, or III certified addiction counselor~~
11 CERTIFIED ADDICTION TECHNICIAN OR CERTIFIED ADDICTION SPECIALIST
12 has the right to practice addiction counseling under supervision or
13 consultation as required by the rules of the state board of human services
14 in the department of human services; a ~~level III certified addiction~~
15 ~~counselor has the right to~~ A CERTIFIED ADDICTION SPECIALIST MAY
16 supervise addiction counseling practice, and ~~all levels of certification~~
17 ~~have the right to~~ MAY use the title "certified addiction counselor" and the
18 abbreviations "~~CAC I~~", "~~CAC II~~", or "~~CAC III~~", as applicable "CAC" or
19 "CAS"; A CERTIFIED ADDICTION TECHNICIAN MAY USE THE TITLE
20 "CERTIFIED ADDICTION COUNSELOR", "CAC", OR "CAT". No other person
21 shall assume these titles or use these abbreviations on any work or media
22 to indicate that the person using the title or abbreviation is a certified
23 addiction counselor.

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

26 (I) COLLECTION OF BIOPSYCHOSOCIAL SCREENING DATA;

27 (II) SERVICE COORDINATION AND CASE MANAGEMENT;

- 1 (III) MONITORING COMPLIANCE WITH CASE MANAGEMENT PLANS;
2 (IV) SKILL BASED EDUCATION;
3 (V) CO-FACILITATING THERAPY GROUPS WITH CERTIFIED
4 ADDICTION SPECIALISTS OR LICENSED ADDICTION COUNSELORS;
5 (VI) CLIENT, FAMILY, AND COMMUNITY ADDICTION EDUCATION;
6 AND
7 (VII) REFERRAL AND DISCHARGE RESOURCING AND PLANNING.
8 (b) THE PRACTICE OF A CERTIFIED ADDICTION SPECIALIST MAY
9 INCLUDE:
10 (I) TREATING SUBSTANCE USE AND CO-OCCURRING DISORDERS;
11 (II) CLINICAL ASSESSMENTS INCLUDING DIAGNOSTIC IMPRESSION;
12 (III) TREATMENT PLANNING;
13 (IV) REFERRAL AND DISCHARGE PLANNING;
14 (V) SERVICE COORDINATION AND CASE MANAGEMENT;
15 (VI) ADDICTION COUNSELING FOR INDIVIDUALS, FAMILIES, AND
16 GROUPS; AND
17 (VII) CLIENT, FAMILY, AND COMMUNITY EDUCATION AND
18 PSYCHO-EDUCATION.

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

23 **12-245-806. Continuing professional competency - rules -**
24 **definition.** (1) (a) In accordance with sections 12-245-803 and
25 12-245-804, the board issues a license or certificate to practice addiction
26 counseling based on whether the applicant satisfies minimum educational
27 and experience requirements that demonstrate professional competency

1 to practice addiction counseling. After a license or a certificate as a level
2 H or level III addiction counselor is issued to an applicant, the licensed or
3 level H or level III certified addiction counselor shall maintain continuing
4 professional competency to practice addiction counseling.

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

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

13 (III) Periodic demonstration of knowledge and skills through
14 documentation of activities necessary to ensure at least minimal ability to
15 safely practice the profession. Nothing in this subsection (1)(b)(III) shall
16 require REQUIRES a licensed or level H or level III certified addiction
17 counselor to retake any examination required pursuant to section
18 12-245-804 in connection with initial licensure or certification.

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

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

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

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

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

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

23 **27-80-108. Rules.** (2) IN THE RULES PROMULGATED PURSUANT TO
24 SUBSECTION (1)(e) OF THIS SECTION, THE STATE BOARD OF HUMAN
25 SERVICES SHALL REQUIRE THE FOLLOWING EDUCATION REQUIREMENTS:

26 (a) FOR CERTIFIED ADDICTION TECHNICIANS:

27 (I) COMPLETION OF COURSE WORK AND TRAINING IN ADDICTION

1 COUNSELING, CLIENT RECORDS MANAGEMENT, PRINCIPLES OF ADDICTION,
2 PROFESSIONAL ETHICS, CULTURALLY INFORMED TREATMENT,
3 PHARMACOLOGY, MOTIVATIONAL INTERVIEWING, TRAUMA INFORMED
4 CARE, AND GROUP COUNSELING SKILLS; AND

5 (II) OTHER COURSES AND TRAINING AS DETERMINED BY THE STATE
6 BOARD OF HUMAN SERVICES.

7 (b) FOR CERTIFIED ADDICTION SPECIALISTS:

8 (I) COMPLETION OF COURSE WORK AND TRAINING IN CLINICAL
9 ASSESSMENT AND TREATMENT PLANNING, COGNITIVE BEHAVIORAL
10 THERAPY, CO-OCCURRING DISORDERS, ADVANCED PHARMACOLOGY,
11 ADVANCED PROFESSIONAL ETHICS, ADVANCED MOTIVATIONAL
12 INTERVIEWING, ADVANCED MODELS, SPECIALIZED ADDICTION TREATMENT,
13 AND INFECTIOUS DISEASES; AND

14 (II) OTHER COURSES AND TRAINING AS DETERMINED BY THE STATE
15 BOARD OF HUMAN SERVICES.

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

18 **12-20-105. Fee adjustments - division of professions and**
19 **occupations cash fund created - legal defense account created -**
20 **definition.** (2) (b) (II) The costs of the state board of psychologist
21 examiners, the state board of marriage and family therapist examiners, the
22 state board of licensed professional counselor examiners, the state board
23 of social work examiners, the state board of ~~registered~~ UNLICENSED
24 psychotherapists, and the state board of addiction counselor examiners
25 shall be considered collectively in the renewal fee-setting process.
26 Subsequent revenue generated by the fees set by the boards plus revenues
27 generated pursuant to section 12-245-703 shall be compared to those

1 collective costs to determine recovery of direct and indirect costs.

2 **SECTION 43.** In Colorado Revised Statutes, 12-20-407, **amend**

3 (1)(a)(V)(N) as follows:

4 **12-20-407. Unauthorized practice of profession or occupation**

5 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor

6 and shall be punished as provided in section 18-1.3-501 for the first

7 offense and, for the second or any subsequent offense, commits a class 6

8 felony and shall be punished as provided in section 18-1.3-401 if the

9 person:

10 (V) Practices or offers or attempts to practice any of the following

11 professions or occupations without an active license, certification, or

12 registration issued under the part or article of this title 12 governing the

13 particular profession or occupation:

14 (N) Practice as a psychologist, social worker, marriage and family

15 therapist, licensed professional counselor, UNLICENSED psychotherapist,

16 or addiction counselor, as regulated under article 245 of this title 12;

17

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19 **SECTION 44.** In Colorado Revised Statutes, 12-200-108, **amend**

20 (4)(a) introductory portion; and **repeal** (4)(a)(III) as follows:

21 **12-200-108. Unlawful acts - exceptions - definition.**

22 (4) (a) Notwithstanding any provision of this article 200 to the contrary,

23 a ~~mental health care~~ professional who has provided documentation that

24 he or she has been trained to perform auricular acudetox in compliance

25 with subsection (4)(d) of this section may perform auricular acudetox if

26 the auricular acudetox is performed under the ~~mental health care~~

27 professional's current scope of practice, and the ~~mental health care~~

1 professional is:

2 (III) Registered as a psychotherapist pursuant to part 7 of article
3 245 of this title 12.

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

6 **12-245-101. Legislative declaration.** The general assembly
7 hereby finds and determines that, in order to safeguard the public health,
8 safety, and welfare of the people of this state and in order to protect the
9 people of this state against the unauthorized, unqualified, and improper
10 application of psychology, social work, marriage and family therapy,
11 professional counseling, psychotherapy, and addiction counseling, it is
12 necessary that the proper regulatory authorities be established and
13 adequately provided for. The general assembly therefore declares that
14 there shall be established a state board of psychologist examiners, a state
15 board of social work examiners, a state board of marriage and family
16 therapist examiners, a state board of licensed professional counselor
17 examiners, a state board of ~~registered~~ UNLICENSED psychotherapists," and
18 a state board of addiction counselor examiners with the authority to
19 license, register, or certify, and take disciplinary actions or bring
20 injunctive actions, or both, concerning licensed psychologists and
21 psychologist candidates, licensed social workers, licensed marriage and
22 family therapists and marriage and family therapist candidates, licensed
23 professional counselors and licensed professional counselor candidates,
24 ~~registered~~ UNLICENSED psychotherapists, and licensed and certified
25 addiction counselors, respectively, and mental health professionals who
26 have been issued a provisional license pursuant to this article 245.

27 **SECTION 46.** In Colorado Revised Statutes, 12-245-202, **amend**

1 (1) and (16); **repeal** (15); and **add** (17) as follows:

2 **12-245-202. Definitions.** As used in this article 245, unless the
3 context otherwise requires:

4 (1) "Board" includes the state board of psychologist examiners,
5 the state board of social work examiners, the state board of licensed
6 professional counselor examiners, the state board of marriage and family
7 therapist examiners, the state board of ~~registered~~ UNLICENSED
8 psychotherapists, and the state board of addiction counselor examiners.

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

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

13 ~~(II) Who is registered with the state board of registered~~
14 ~~psychotherapists pursuant to section 12-245-703 to practice~~
15 ~~psychotherapy in this state.~~

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

17 ~~(I) Is a licensed school psychologist licensed pursuant to section~~
18 ~~22-60.5-210 (1)(b);~~

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

20 ~~(III) Is registered with the state board of registered~~
21 ~~psychotherapists pursuant to section 12-245-703.~~

22 (16) "Registrant" means a psychologist candidate, marriage and
23 family therapist candidate, SOCIAL WORKER CANDIDATE, or licensed
24 professional counselor candidate registered pursuant to section
25 12-245-304 (3), 12-245-504 (4), or 12-245-604 (4), respectively, or a
26 ~~registered~~ AN UNLICENSED psychotherapist.

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

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

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

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

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

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

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

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

16 **12-245-203. Practice outside of or beyond professional**
17 **training, experience, or competence - general scope of practice for**
18 **licensure, registration, or certification.** (2) The practice of
19 psychotherapy is one area of practice for mental health professionals
20 licensed, certified, or registered pursuant to this article 245 but may not
21 be the only or primary practice area of the professionals, other than
22 persons registered as UNLICENSED psychotherapists pursuant to part 7 of
23 this article 245. The requirements for licensure, registration, or
24 certification as a mental health professional pursuant to this article 245
25 are contained in sections 12-245-303, 12-245-403, 12-245-503,
26 12-245-603, and 12-245-803, which define the practice of psychology,
27 social work, marriage and family therapy, licensed professional

1 counseling, and addiction counseling, respectively.

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

4 **12-245-205. Fees - renewal.** (4) The director shall coordinate
5 fee-setting pursuant to this section so that all licensees, registrants, and
6 certificate holders pay fees as required by this section. ~~and section~~
7 ~~12-245-703 (1).~~

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

10 **12-245-210. Drugs - medicine.** Nothing in this article 245 permits
11 psychologists, social workers, marriage and family therapists, licensed
12 professional counselors, ~~psychotherapists,~~ and addiction counselors
13 licensed ~~registered,~~ or certified under this article 245 to administer or
14 prescribe drugs or in any manner engage in the practice of medicine as
15 defined by the laws of this state.

16 **SECTION 50.** In Colorado Revised Statutes, 12-245-213, **amend**
17 (1)(b)(VI) as follows:

18 **12-245-213. Professional service corporations for the practice**
19 **of psychology, social work, marriage and family therapy,**
20 **professional counseling, and addiction counseling - definitions.**

21 (1) Licensees registrants, or certificate holders may form professional
22 service corporations for the practice of psychology, social work, marriage
23 and family therapy, professional counseling, psychotherapy, or addiction
24 counseling under the "Colorado Business Corporation Act", articles 101
25 to 117 of title 7, if the corporations are organized and operated in
26 accordance with this section. The articles of incorporation of a
27 professional service corporation formed pursuant to this section must

1 contain provisions complying with the following requirements:

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

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

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

19 **12-245-216. Mandatory disclosure of information to clients.**

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

23 (d) A statement indicating that:

24 (IV) The information provided by the client during therapy
25 sessions is legally confidential in the case of licensed marriage and
26 family therapists, social workers, professional counselors, and
27 psychologists; licensed or certified addiction counselors; and ~~registered~~

1 UNLICENSED psychotherapists, except as provided in section 12-245-220
2 and except for certain legal exceptions that will be identified by the
3 licensee, registrant, or certificate holder should any such situation arise
4 during therapy; and

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

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

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

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20 **SECTION 52.** In Colorado Revised Statutes, 12-245-225, **amend**
21 (1)(d) as follows:

22 **12-245-225. Authority of boards - cease-and-desist orders -**
23 **rules.** (1) If a licensee, registrant, or certificate holder violates any
24 provision of section 12-245-224, the board that licenses, registers, or
25 certifies the licensee, registrant, or certificate holder may, in accordance
26 with section 12-20-404:

27 (d) Deny, revoke, or suspend the listing of a ~~registered~~ AN

1 UNLICENSED psychotherapist in the state board of registered UNLICENSED
2 psychotherapists database established pursuant to section 12-245-703;

3

4

5 **SECTION 53.** In Colorado Revised Statutes, 12-245-231, **amend**
6 (5) as follows:

7 **12-245-231. Mental health professional peer health assistance**
8 **program - fees - administration - rules.** (5) As used in this section,
9 "mental health professional" means a psychologist, social worker,
10 marriage and family therapist, licensed professional counselor,
11 ~~psychotherapist~~, or addiction counselor regulated under this article 245.

12 **SECTION 54.** In Colorado Revised Statutes, 12-245-304, **amend**
13 (3)(b) as follows:

14 **12-245-304. Qualifications - examinations - licensure.**
15 (3) (b) A psychologist candidate registered pursuant to this subsection
16 (3) is under the jurisdiction of the board. The psychologist candidate may,
17 but is not required to, register with the database of registered UNLICENSED
18 psychotherapists pursuant to section 12-245-703. If the requirements of
19 subsections (1)(d) and (1)(e) of this section are not met within four years,
20 the registration of the psychologist candidate expires and is not
21 renewable unless the board, in its discretion, grants the candidate an
22 extension. A person whose psychologist candidate registration expires is
23 not precluded from applying for licensure or registration with any other
24 mental health board for which the person is qualified.

25 **SECTION 55.** In Colorado Revised Statutes, 12-245-306, **amend**
26 (6) as follows:

27 **12-245-306. Exemptions.** (6) Nothing in this part 3 prevents the

1 practice of psychotherapy by persons registered with the state board of
2 ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703.

3 **SECTION 56.** In Colorado Revised Statutes, 12-245-404, **amend**
4 (4) as follows:

5 **12-245-404. Qualifications - examination - licensure and**
6 **registration.** (4) A person licensed as a licensed social worker pursuant
7 to subsection (1) of this section may, but is not required to, register with
8 the database of ~~registered~~ UNLICENSED psychotherapists pursuant to
9 section 12-245-703.

10 **SECTION 57.** In Colorado Revised Statutes, 12-245-406, **amend**
11 (5) as follows:

12 **12-245-406. Scope of part.** (5) Nothing in this part 4 prevents
13 the practice of psychotherapy by persons registered with the state board
14 of ~~registered~~ UNLICENSED psychotherapists pursuant to section
15 12-245-703.

16 **SECTION 58.** In Colorado Revised Statutes, 12-245-504, **amend**
17 (4)(b) as follows:

18 **12-245-504. Qualifications - examination - licensure and**
19 **registration.** (4) (b) A marriage and family therapist candidate who
20 registers with the board pursuant to this subsection (4) is under the
21 jurisdiction of the board and may, but is not required to, register with the
22 database of ~~registered~~ UNLICENSED psychotherapists pursuant to section
23 12-245-703.

24 **SECTION 59.** In Colorado Revised Statutes, 12-245-505, **amend**
25 (5) as follows:

26 **12-245-505. Rights and privileges of licensure and registration**
27 **- title.** (5) Nothing in this part 5 prevents the practice of psychotherapy

1 by persons registered with the state board of ~~registered~~ UNLICENSED
2 psychotherapists pursuant to section 12-245-703.

3 **SECTION 60.** In Colorado Revised Statutes, 12-245-604, **amend**
4 (4)(b) as follows:

5 **12-245-604. Licensure - examination - licensed professional**
6 **counselors.** (4) (b) A licensed professional counselor candidate who
7 registers with the board pursuant to this subsection (4) is under the
8 jurisdiction of the board and may, but is not required to, register with the
9 database of ~~registered~~ UNLICENSED psychotherapists pursuant to section
10 12-245-703.

11 **SECTION 61.** In Colorado Revised Statutes, 12-245-605, **amend**
12 (4) as follows:

13 **12-245-605. Rights and privileges of licensure - title.**
14 (4) Nothing in this part 6 prevents the practice of psychotherapy by
15 persons registered with the state board of ~~registered~~ UNLICENSED
16 psychotherapists pursuant to section 12-245-703.

17 **SECTION 62.** In Colorado Revised Statutes, 13-90-107, **amend**
18 (1)(g) as follows:

19 **13-90-107. Who may not testify without consent - definitions.**
20 (1) There are particular relations in which it is the policy of the law to
21 encourage confidence and to preserve it inviolate; therefore, a person
22 shall not be examined as a witness in the following cases:

23 (g) A licensed psychologist, professional counselor, marriage and
24 family therapist, social worker, or addiction counselor, a ~~registered~~ AN
25 UNLICENSED psychotherapist, a certified addiction counselor, a
26 psychologist candidate registered pursuant to section 12-245-304 (3), a
27 marriage and family therapist candidate registered pursuant to section

1 12-245-504 (4), a licensed professional counselor candidate registered
2 pursuant to section 12-245-604 (4), or a person described in section
3 12-245-217 shall not be examined without the consent of the licensee's,
4 certificate holder's, registrant's, candidate's, or person's client as to any
5 communication made by the client to the licensee, certificate holder,
6 registrant, candidate, or person or the licensee's, certificate holder's,
7 registrant's, candidate's, or person's advice given in the course of
8 professional employment; nor shall any secretary, stenographer, or clerk
9 employed by a licensed psychologist, professional counselor, marriage
10 and family therapist, social worker, or addiction counselor, ~~a registered~~
11 AN UNLICENSED psychotherapist, a certified addiction counselor, a
12 psychologist candidate registered pursuant to section 12-245-304 (3), a
13 marriage and family therapist candidate registered pursuant to section
14 12-245-504 (4), a licensed professional counselor candidate registered
15 pursuant to section 12-245-604 (4), or a person described in section
16 12-245-217 be examined without the consent of the employer of the
17 secretary, stenographer, or clerk concerning any fact, the knowledge of
18 which the employee has acquired in such capacity; nor shall any person
19 who has participated in any psychotherapy, conducted under the
20 supervision of a person authorized by law to conduct such therapy,
21 including group therapy sessions, be examined concerning any
22 knowledge gained during the course of such therapy without the consent
23 of the person to whom the testimony sought relates.

24 **SECTION 63.** In Colorado Revised Statutes, 18-6.5-108, **amend**
25 (1)(b)(VII) as follows:

26 **18-6.5-108. Mandatory reports of mistreatment of at-risk**
27 **elders and at-risk adults with IDD - list of reporters - penalties.**

1 (1) (b) The following persons, whether paid or unpaid, shall report as
2 required by subsection (1)(a) of this section:

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

6 **SECTION 64.** In Colorado Revised Statutes, 19-1-307, **amend**
7 (2)(e.5)(I)(G) as follows:

8 **19-1-307. Dependency and neglect records and information -**
9 **access - fee - rules - records and reports fund - misuse of information**
10 **- penalty - adult protective services data system check. (2) Records**
11 **and reports - access to certain persons - agencies.** Except as otherwise
12 provided in section 19-1-303, only the following persons or agencies
13 shall have access to child abuse or neglect records and reports:

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

27 (G) ~~Registered~~ UNLICENSED psychotherapists;

1 **SECTION 65.** In Colorado Revised Statutes, 19-3-304, **amend**
2 (2)(z) as follows:

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

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

6 (z) ~~Registered~~ UNLICENSED psychotherapists;

7 **SECTION 66.** In Colorado Revised Statutes, 24-1-122, **amend**
8 (3)(II) as follows:

9 **24-1-122. Department of regulatory agencies - creation.**

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

13 (II) State board of ~~registered~~ UNLICENSED psychotherapists,
14 created by part 7 of article 245 of title 12;

15 **SECTION 67.** In Colorado Revised Statutes, 26-3.1-102, **amend**
16 (1)(b)(VII) as follows:

17 **26-3.1-102. Reporting requirements.** (1) (b) The following
18 persons, whether paid or unpaid, are urged to report as described in
19 subsection (1)(a) of this section:

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

23 **SECTION 68.** In Colorado Revised Statutes, 30-10-606, **amend**
24 (6)(a)(II) as follows:

25 **30-10-606. Coroner - inquiry - grounds - postmortem - jury**
26 **- certificate of death.** (6) (a) Notwithstanding sections 12-245-220 and
27 13-90-107 (1)(d) or (1)(g), the coroner holding an inquest or investigation

1 pursuant to this section has the authority to request and receive a copy of:

2 (II) Any information, record, or report related to treatment,
3 consultation, counseling, or therapy services from any licensed
4 psychologist, professional counselor, marriage and family therapist,
5 social worker, or addiction counselor, certified addiction counselor,
6 ~~registered~~ UNLICENSED psychotherapist, psychologist candidate registered
7 pursuant to section 12-245-304 (3), marriage and family therapist
8 candidate registered pursuant to section 12-245-504 (4), licensed
9 professional counselor candidate registered pursuant to section
10 12-245-604 (4), or person described in section 12-245-217, if the report,
11 record, or information is relevant to the inquest or investigation.

12 **SECTION 69. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.