

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 21-0986.01 Kristen Forrestal x4217

HOUSE BILL 21-1305

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Winter,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE PRACTICE OF MENTAL HEALTH PROFESSIONALS,**
102 **AND, IN CONNECTION THEREWITH, CLARIFYING EDUCATION AND**
103 **HOURS OF PRACTICE REQUIRED FOR LICENSURE OR**
104 **CERTIFICATION AS AN ADDICTION COUNSELOR; AND**
105 **ESTABLISHING SUPERVISION PRIVILEGES FOR CERTIFIED AND**
106 **LICENSED ADDICTION COUNSELORS.**

Bill Summary

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

The bill:

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
May 26, 2021

HOUSE
3rd Reading Unamended
May 17, 2021

HOUSE
Amended 2nd Reading
May 14, 2021

- Exempts conviction records of mental health providers from the "Colorado Open Records Act" if the conviction records meet specified criteria;
- Allows a licensed, registered, or certified mental health provider to petition the applicable board to have a letter of admonition issued by the board sealed and made confidential except under certain circumstances. Each board has the sole discretion to determine whether to approve or deny the petition and the board's determination is final.
- Specifies criteria that a board must consider when making its determination;
- Provides exceptions as to when a board may unseal or share a letter of admonition;
- Specifies title use restrictions for certified addiction specialists, certified addiction technicians, and addiction counselor candidates;
- Establishes supervision privileges for licensed and certified addiction counselors; and
- Clarifies the education and hours of practice required to be certified or licensed as an addiction counselor and the scope of practice of licensed addiction counselors.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, 12-245-218, **amend**

4 (1)(a) as follows:

5 **12-245-218. Title use restrictions.** (1) A psychologist, social
 6 worker, marriage and family therapist, professional counselor,
 7 psychotherapist, or addiction counselor may only use the title for which
 8 the person is licensed, certified, or registered under this article 245.

9 Except as provided in section 12-245-306 (3), no other person shall:

10 (a) Hold himself or herself out to the public by any title or
 11 description of services incorporating the terms "licensed clinical social
 12 worker", "clinical social worker", "LCSW", "licensed social worker",
 13 "LSW", "clinical social worker candidate", "provisional social worker",

1 "SWP", "marriage and family therapist", "LMFT", "MFT", "marriage and
2 family therapist candidate", "MFT candidate", "MFTC", "professional
3 counselor", "licensed professional counselor", "LPC", "licensed
4 professional counselor candidate", "LPCC", "provisional licensed
5 professional counselor", "psychologist", "provisional psychologist",
6 "psychologist candidate", "psychology", "psychological", "unlicensed
7 psychotherapist", "addiction counselor", "licensed addiction counselor",
8 "LAC", "~~certified addiction counselor~~, or "~~CAC~~" "CERTIFIED ADDICTION
9 SPECIALIST", "CAS", "CERTIFIED ADDICTION TECHNICIAN", "CAT", OR
10 "ADDICTION COUNSELOR CANDIDATE"; or

11

12 **SECTION 2.** In Colorado Revised Statutes, 12-245-803, **amend**
13 (4) as follows:

14 **12-245-803. Practice of addiction counseling defined - scope of**
15 **practice. (4) Scope of practice - licensed addiction counselors.** Based
16 on education, training, knowledge, and experience, the scope of practice
17 of a licensed addiction counselor includes behavioral health counseling
18 and may include the treatment of substance use disorders, addictive
19 behavioral disorders, and co-occurring MENTAL HEALTH disorders,
20 including clinical evaluation and diagnosis, treatment planning, service
21 coordination, case management, clinical documentation, professional and
22 ethical responsibilities, education and psychotherapy with clients, family,
23 and community, clinical supervisory responsibilities, and intervention.

24 **SECTION 3.** In Colorado Revised Statutes, 12-245-804, **amend**
25 (1)(e), (1)(g), (3) (3.5)(a) introductory portion, (3.5)(a)(I), (3.5)(b)
26 introductory portion, (3.5)(b)(I), and (3.5)(b)(II); and **add (1.5)** as
27 follows:

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

7 (e) Has met the EDUCATION requirements ~~for a certificate of~~
8 ~~addiction specialist~~ SPECIFIED IN THE RULES PROMULGATED BY THE STATE
9 BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES
10 PURSUANT TO SECTION 27-80-108 (1)(e.5);

11 (g) Has completed at least ~~three~~ TWO thousand DIRECT CLINICAL
12 hours of clinically supervised work experience in the addiction field. ~~with~~
13 ~~a minimum of two thousand direct clinical hours.~~ The clinical supervision
14 may be in-person or telesupervision.

15 (1.5) THE BOARD MAY WAIVE ANY EDUCATION REQUIREMENTS IN
16 SUBSECTION (1)(e) OF THIS SECTION UNTIL THE DEPARTMENT OF HUMAN
17 SERVICES ESTABLISHES THE EDUCATION REQUIREMENTS FOR LICENSURE
18 PURSUANT TO SECTION 27-80-108 (1)(e.5). THIS SUBSECTION (1.5) IS
19 REPEALED, EFFECTIVE MARCH 1, 2022.

20 (3) The state board of addiction counselor examiners shall
21 promulgate rules for certification of addiction counselors; except that the
22 state board of human services in the department of human services shall
23 establish by rule education requirements for LICENSURE AND certification
24 in accordance with section 27-80-108 (1)(e) AND (1)(e.5).

25 (3.5) In the rules promulgated pursuant to subsection (3) of this
26 section, the board shall require that:

27 (a) A certified addiction technician HAVE:

1 (I) ~~Have~~ A high school diploma or its equivalent;

2 (b) A certified addiction specialist HAVE:

3 (I) ~~Have~~ A bachelor's degree in a ~~clinical~~ behavioral health
4 concentration OR HUMAN SERVICES EQUIVALENT;

5 (II) Accrued a minimum of ~~two~~ THREE thousand hours of
6 supervised clinic work hours over a minimum of ~~twelve~~ EIGHTEEN
7 months, which may include the ONE THOUSAND hours required ACCRUED
8 for certification as a certified addiction ~~specialist~~ TECHNICIAN;

9 **SECTION 4.** In Colorado Revised Statutes, 12-245-805, **amend**
10 (3)(a)(V); and **add** (2.5) as follows:

11 **12-245-805. Rights and privileges of certification and licensure**

12 **- titles.** (2.5) (a) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED,
13 AND UNREVOKED CERTIFICATE AS A CERTIFIED ADDICTION SPECIALIST MAY
14 PROVIDE CLINICAL SUPERVISION FOR CERTIFICATION PURPOSES TO A
15 PERSON WORKING TOWARD CERTIFICATION AS A CERTIFIED ADDICTION
16 TECHNICIAN OR A CERTIFIED ADDICTION SPECIALIST.

17 (b) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND
18 UNREVOKED LICENSE AS AN ADDICTION COUNSELOR MAY PROVIDE
19 CLINICAL SUPERVISION FOR LICENSURE OR CERTIFICATION PURPOSES TO
20 PERSONS WORKING TOWARD LICENSURE AS A LICENSED ADDICTION
21 COUNSELOR, CERTIFICATION AS AN ADDICTION SPECIALIST OR TECHNICIAN,
22 OR OTHER CREDENTIAL AS AUTHORIZED BY THIS ARTICLE 245 OR BY RULE
23 OF THE BOARD.

24 (3) (a) The practice of a certified addiction technician may
25 include:

26 (V) ~~Co-facilitating~~ FACILITATING PSYCHOEDUCATION AND therapy
27 groups with ~~certified addiction specialists or licensed addiction~~

1 ~~counselors~~ APPROPRIATE TRAINING AND CLINICAL SUPERVISION AND
2 WITHIN A TREATMENT OR HEALTH FACILITY LICENSED PURSUANT TO
3 SECTION 25-1.5-103;

4 **SECTION 5.** In Colorado Revised Statutes, 12-245-806, **amend**
5 **(1)(b)** introductory portion as follows:

6 **12-245-806. Continuing professional competency - rules -**
7 **definition.** (1) (b) ~~The office of behavioral health in the department of~~
8 ~~human services~~ BOARD, in consultation with ~~other~~ stakeholders, shall
9 ~~adopt rules ON OR BEFORE MARCH 1, 2022, establishing a continuing~~
10 ~~professional competency program that includes, at a minimum, the~~
11 ~~following elements:~~

12 **SECTION 6.** In Colorado Revised Statutes, 27-80-108, **amend**
13 **(2); and add (1)(e.5)** as follows:

14 **27-80-108. Rules.** (1) ~~The state board of human services, created~~
15 ~~in section 26-1-107, has the power to promulgate rules governing the~~
16 ~~provisions of this article 80. The rules may include, but are not limited to:~~

17 **(e.5) ON OR BEFORE MARCH 1, 2022, STANDARDS THAT ADDICTION**
18 **COUNSELORS MUST MEET TO PARTICIPATE IN PUBLIC PROGRAMS OR TO**
19 **PROVIDE PURCHASED SERVICES AND EDUCATION REQUIREMENTS**
20 **NECESSARY TO BE LICENSED BY THE DIRECTOR OF THE DIVISION OF**
21 **PROFESSIONS AND OCCUPATIONS, PURSUANT TO PART 8 OF ARTICLE 245 OF**
22 **TITLE 12;**

23 **(2)** In the rules promulgated pursuant to subsection (1)(e) of this
24 section, the state board of human services shall ~~require the following~~
25 ~~INCLUDE~~ education requirements FOR CERTIFIED ADDICTION TECHNICIANS,
26 CERTIFIED ADDICTION SPECIALISTS, AND LICENSED ADDICTION
27 COUNSELORS.

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

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

17 **SECTION 7. Effective date.** This act takes effect July 1, 2021.
18 **SECTION 8. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.