

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

**INTRODUCED**

LLS NO. 21-0611.01 Jennifer Berman x3286

**SENATE BILL 21-152**

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**SENATE SPONSORSHIP**

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**Senate Committees**

Legal Services

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**A BILL FOR AN ACT**

101      **CONCERNING IMPLEMENTATION OF THE COMMITTEE ON LEGAL**  
102              **SERVICES' RECOMMENDATIONS IN CONNECTION WITH**  
103              **LEGISLATIVE REVIEW OF STATE AGENCIES' RULES.**

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**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/>.)*

**Committee on Legal Services.** Based on the findings and recommendations of the committee on legal services, the bill extends all state agency rules that were adopted or amended on or after November 1, 2019, and before November 1, 2020, with the exception of certain rules of the following agencies, as specifically listed in 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.

- The state board of education concerning administration of the public school transportation fund;
- The air quality control commission concerning stationary source permitting and air pollutant emission notice requirements; and
- A number of boards and commissions within the department of regulatory agencies concerning rules implementing H.B. 20-1326 and S.B. 20-102.

Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2021, on the grounds that the rules either conflict with statute or lack statutory authority.

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

2           **SECTION 1. Extension of rules scheduled for expiration May**  
 3 **15, 2021 - exceptions.** (1) Except as indicated, the expiration of all rules  
 4 of agencies in the following principal departments, which rules were  
 5 adopted or amended on or after November 1, 2019, and before November  
 6 1, 2020, and that are therefore scheduled for expiration May 15, 2021, is  
 7 postponed:

- 8           (a) Department of agriculture;
- 9           (b) Department of corrections;
- 10          (c) Department of education; except that the following rule of the  
 11 state board of education concerning administration of the public school  
 12 transportation fund (1 CCR 301-14) is not extended: Rule  
 13 2251-R-2.02(1), which states in part "A district annually shall submit a  
 14 form CDE-40 no later than August 15 ...";
- 15          (d) Department of health care policy and financing;
- 16          (e) Department of higher education;
- 17          (f) Department of human services;
- 18          (g) Department of labor and employment;
- 19          (h) Department of law;

- 1 (i) Department of local affairs;
- 2 (j) Department of military and veterans affairs;
- 3 (k) Department of natural resources;
- 4 (l) Department of personnel;
- 5 (m) Department of public health and environment; except that the
- 6 following rule of the air quality control commission concerning stationary
- 7 source permitting and air pollutant emission notice requirements (5 CCR
- 8 1001-5) is not extended: Rule II.A.2.a., which states in part "Owners or
- 9 operators of well production facilities for which commencement of
- 10 operation occurs after January 1, 2020, must ...";
- 11 (n) Department of public safety;
- 12 (o) Department of regulatory agencies; except that the following
- 13 rules are not extended:
  - 14 (I) The following rules of the state board of social work examiners
  - 15 concerning social work examiners rules and regulations (4 CCR 726-1):
    - 16 (A) Rule 1.12 C., which states in part "Criteria. In accordance
    - 17 with 12-20-202 (3)(d), C.R.S., the Board has established the following
    - 18 criteria for determining whether an applicant possesses experience and
    - 19 credentials ...";
    - 20 (B) Rule 1.12 D., which states in part "Licenses, certifications, or
    - 21 registrations from outside the United States. Applicants who are licensed,
    - 22 certified, listed or registered ..."; and
    - 23 (C) Rule 1.23 E.4, which states "The licensee or certificate holder
    - 24 does not have a direct treatment relationship or have direct contact with
    - 25 the patient.";
    - 26 (II) The following rules of the board of licensed professional
    - 27 counselor examiners concerning licensed professional counselor

1 examiners rules and regulations (4 CCR 737-1):

2 (A) Rule 1.12 C., which states in part "Criteria. In accordance  
3 with 12-20-202 (3)(d), C.R.S., the Board has established the following  
4 criteria for determining whether an applicant possesses experience and  
5 credentials ...";

6 (B) Rule 1.12 D., which states in part "Licenses, certifications, or  
7 registrations from outside the United States. Applicants who are licensed,  
8 certified, listed or registered ..."; and

9 (C) Rule 1.23 E.4, which states "The licensee or certificate holder  
10 does not have a direct treatment relationship or have direct contact with  
11 the patient.";

12 (III) Rule 1.35 E.4 of the board of chiropractic examiners  
13 concerning chiropractic examiners rules and regulations (3 CCR 707-1),  
14 which states "The licensee does not have a direct treatment relationship  
15 or have direct contact with the patient.";

16 (IV) The following rules of the board of psychologist examiners  
17 concerning psychologist examiners rules and regulations (3 CCR 721-1):

18 (A) Rule 1.12 C., which states in part "Criteria. In accordance  
19 with section 12-20-202 (3)(d) C.R.S., the Board has established the  
20 following criteria for determining whether an applicant possesses  
21 experience and credentials ...";

22 (B) Rule 1.12 D., which states in part "Licenses, certifications, or  
23 registrations from outside the United States. Applicants who are licensed,  
24 certified, listed or registered ..."; and

25 (C) Rule 1.22 E.4, which states "The licensee does not have a  
26 direct treatment relationship or have direct contact with the patient.";

27 (V) The following rules of the board of addiction counselor

1 examiners concerning board of addiction counselor examiners rules (4  
2 CCR 744-1):

3 (A) Rule 1.12 D., which states in part "Licenses, certifications, or  
4 registrations from outside the United States."; and

5 (B) Rule 1.23 E.4, which states "The licensee does not have a  
6 direct treatment relationship or have direct contact with the patient.";

7 (VI) Rule 1.6 E.4 of the state physical therapy board concerning  
8 physical therapy rules and regulations (4 CCR 732-1), which states "The  
9 licensee or certificate holder does not have a direct treatment relationship  
10 or have direct contact with the patient.";

11 (VII) Rule 1.16 E.4 of the board of unlicensed psychotherapists  
12 concerning unlicensed psychotherapists rules and regulations (4 CCR  
13 734-1), which states "The registrant does not have a direct treatment  
14 relationship or have direct contact with the patient.";

15 (VIII) Rule 1.12 E.4 of the director of the division of professions  
16 and occupations in the department of regulatory agencies (director) for  
17 the office of acupuncture licensure concerning acupuncture licensure  
18 rules and regulations (4 CCR 738-1), which states "The provider does not  
19 have a direct treatment relationship or have direct contact with the  
20 patient.";

21 (IX) Rule 1.24 E.4 of the director for the office of direct-entry  
22 midwives registration concerning midwives registration rules and  
23 regulations (4 CCR 739-1), which states "The provider does not have a  
24 direct treatment relationship or have direct contact with the patient.";

25 (X) The following rules of the board of marriage and family  
26 therapist examiners concerning marriage and family therapist examiners  
27 rules and regulations (4 CCR 736-1):

1 (A) Rule 1.12 C., which states in part "Criteria. In accordance  
2 with 12-20-202 (3)(d), C.R.S., the Board has established the following  
3 criteria for determining whether an applicant possesses experience and  
4 credentials ...";

5 (B) Rule 1.12 D., which states in part "Licenses, certifications,  
6 listings or registrations from outside the United States. Applicants who  
7 are licensed, certified, listed or registered ..."; and

8 (C) Rule 1.22 E.4, which states "The licensee does not have a  
9 direct treatment relationship or have direct contact with the patient.";

10 (XI) The following rules of the director for the office of barber  
11 and cosmetology licensure concerning barber and cosmetology licensure  
12 rules and regulations (4 CCR 731-1):

13 (A) Rule 1.4 A, which states in part "An applicant who possesses  
14 a current and unrestricted license in good standing under the laws of  
15 another state, territory, or foreign country ...";

16 (B) Rule 1.4 B.2, which states in part "An applicant must submit  
17 verification of at least one active/valid license, in good standing at the  
18 time of the application, from another state, territory, or foreign country.";  
19 and

20 (C) Rule 1.4 C., which states in part "**ADDITIONAL**  
21 **REQUIREMENTS FOR APPLICANTS FROM FOREIGN**  
22 **COUNTRIES**";

23 (XII) Rule 1.11 E.4 of the director for the office of respiratory  
24 therapy licensure concerning respiratory therapy licensure rules and  
25 regulations (4 CCR 741-1), which states "The provider does not have a  
26 direct treatment relationship or have direct contact with the patient.";

27 (XIII) Rule 1.13 E.4 of the director for the office of athletic

1     trainer licensure concerning athletic trainer licensure rules and regulations  
2     (4 CCR 735-1), which states "The provider does not have a direct  
3     treatment relationship or have direct contact with the patient.";

4             (XIV) Rule 1.19 E.4 of the director for the office of naturopathic  
5     doctor registration concerning naturopathic doctors rules and regulations  
6     (4 CCR 749-1), which states "The provider does not have a direct  
7     treatment relationship or have direct contact with the patient.";

8             (XV) The following rules of the director for the office of hearing  
9     aid provider licensure concerning hearing aid provider rules and  
10    regulations (3 CCR 711-1):

11            (A) Rule 1.12 E.4, which states "The licensee does not have a  
12    direct treatment relationship or have direct contact with the patient."; and

13            (B) Rule 1.2 A.1, which states "Possess an active license in good  
14    standing to practice as a hearing aid provider in another state or territory  
15    of the United States or in a foreign country; and";

16            (XVI) The following rules of the director for the office of  
17    audiology licensure concerning audiology rules and regulations (3 CCR  
18    711-2):

19            (A) Rule 1.13 C.4, which states "The provider does not have a  
20    direct treatment relationship or have direct contact with the patient."; and

21            (B) Rule 1.2 A.1, which states "Possess an active license in good  
22    standing to practice audiology in another state or territory of the United  
23    States or in a foreign country; and";

24            (XVII) Rule 1.23 E.4 of the director for the office of  
25    speech-language pathology certification concerning speech-language  
26    pathologist rules and regulations (4 CCR 748-1), which states "The  
27    provider does not have a direct treatment relationship or have direct

1 contact with the patient.";

2 (XVIII) Rule 1.8 E.4 of the director for the office of surgical  
3 assistant and surgical technologist registration concerning surgical  
4 assistant and surgical technologist rules and regulations (4 CCR 745-1),  
5 which states "The provider does not have a direct treatment relationship  
6 or have direct contact with the patient.";

7 (XIX) The following rules of the director for the office of  
8 massage therapy licensure concerning massage therapy licensure rules  
9 and regulations (3 CCR 722-1):

10 (A) Rule 1.4 introductory portion, which states "Licensure by  
11 Endorsement [-] The purpose of this Rule is to delineate the requirements  
12 for licensure by endorsement set forth in section 12-20-202 (3), C.R.S.  
13 An applicant who currently possesses an unrestricted license or  
14 registration, in good standing, to practice massage therapy under the laws  
15 of another state, territory or foreign country may apply for licensure by  
16 endorsement, provided that:"; and

17 (B) Rule 1.14 E.4, which states "The provider does not have a  
18 direct treatment relationship or have direct contact with the patient."; and

19 (XX) Rule 1.28 E.4 of the board of nursing concerning nursing  
20 rules and regulations (3 CCR 716-1), which states "The licensee does not  
21 have a direct treatment relationship or have direct contact with the  
22 patient.".

23 (p) Department of revenue;

24 (q) Department of state;

25 (r) Department of transportation; and

26 (s) Department of the treasury.

27 (2) The expiration of all rules of the public employees' retirement



1 association, which rules were adopted or amended on or after November  
2 1, 2019, and before November 1, 2020, and which are therefore scheduled  
3 for expiration May 15, 2021, is postponed.

4 (3) The expiration of all rules of the board of equalization, which  
5 rules were adopted or amended on or after November 1, 2019, and before  
6 November 1, 2020, and which are therefore scheduled for expiration May  
7 15, 2021, is postponed.

8 (4) The recommendations of the committee on legal services as  
9 reflected in this act apply to the specified rules in the form in which the  
10 rules were considered and acted upon by the committee. Any amendments  
11 or other changes in the specified rules that became effective before  
12 November 1, 2020, that comply with the recommendations of the  
13 committee on legal services are not affected by this act. Any subsequent  
14 amendments or other changes in the specified rules that became effective  
15 on or after November 1, 2020, are not affected by this act.

16 **SECTION 2. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, or safety.