

## CHAPTER 32

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**PROFESSIONS AND OCCUPATIONS**


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**HOUSE BILL 05-1182**

BY REPRESENTATIVE(S) Gallegos, Butcher, Crane, Frangas, Green, Jahn, McFadyen, McGihon, Riesberg, Sullivan, and Todd;  
also SENATOR(S) Sandoval, Groff, Hanna, and Williams.

**AN ACT**

**CONCERNING AN UPDATE OF THE LAW GOVERNING MENTAL HEALTH PROFESSIONALS TO INCLUDE THE TITLES CURRENTLY USED BY SUCH PROFESSIONALS, AND, IN CONNECTION THEREWITH, ELIMINATING OBSOLETE TITLES AND CLARIFYING THAT AN UNLICENSED PSYCHOLOGIST CANDIDATE IS SUBJECT TO THE LAWS OF PROFESSIONAL PRACTICE.**

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

**SECTION 1.** 12-43-101, Colorado Revised Statutes, is amended to read:

**12-43-101. Legislative declaration.** The general assembly hereby finds and determines that, in order to safeguard the public health, safety, and welfare of the people of this state and in order to protect the people of this state against the unauthorized, unqualified, and improper application of psychotherapy, psychology, social work, marriage and family therapy, and professional counseling, it is necessary that the proper regulatory authorities be established and adequately provided for. The general assembly therefore declares that there shall be established a state board of psychologist examiners, a state board of social work examiners, a state board of marriage and family therapist examiners, and a state board of licensed professional counselor examiners with the authority to license and take disciplinary actions or bring injunctive actions, or both, concerning licensed psychologists, PSYCHOLOGIST CANDIDATES, licensed ~~and registered~~ social workers, licensed marriage and family therapists, and licensed professional counselors, respectively. There shall also be a state grievance board with the authority to take disciplinary actions or bring injunctive actions, or both, concerning unlicensed psychotherapists.

**SECTION 2.** 12-43-201 (5.5) (a) and (9.3), Colorado Revised Statutes, are amended to read:

**12-43-201. Definitions.** As used in this part 2, unless the context otherwise

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

requires:

(5.5) "Licensed social worker" means a person who:

(a) Is a licensed social worker ~~licensed independent social worker~~, or licensed clinical social worker; and

(9.3) "Registrant" means a ~~social worker~~ PSYCHOLOGIST CANDIDATE registered pursuant to this article.

**SECTION 3.** 12-43-216, Colorado Revised Statutes, is amended to read:

**12-43-216. Title use restrictions.** A psychologist, social worker, marriage and family therapist, or professional counselor may only use the title for which he or she is licensed or registered under this article. Except as provided in section 12-43-306 (3), no other person shall hold himself or herself out to the public by any title or description of services incorporating the terms "licensed clinical social worker", "clinical social worker", "LCSW", "~~social worker~~", "~~registered social worker~~", "~~RSW~~", "licensed social worker", "LSW", "~~licensed independent social worker~~", "~~LISW~~", "marriage and family therapist", "LMFT", "professional counselor", "LPC", "psychologist", "PSYCHOLOGIST CANDIDATE", "psychology", or "psychological", and no other person shall state or imply that he or she is licensed ~~or registered~~ to practice social work, marriage and family therapy, professional counseling, or psychology. Nothing in this section shall prohibit a person from stating or using the educational degrees that such person has obtained.

**SECTION 4.** 12-43-224 (3) (a) (I) and (3) (b), Colorado Revised Statutes, are amended to read:

**12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses.** (3) Disciplinary actions may consist of the following:

(a) **Revocation of a license or registration.** (I) Revocation of a license OR A REGISTRATION by a board shall mean that the licensee OR REGISTRANT shall surrender such person's license OR CERTIFICATE OF REGISTRATION to the board within a ~~period of thirty days. Revocation of a registration of a registered social worker by the state board of social work examiners shall mean that the registrant shall surrender his or her certificate of registration within a period of thirty days.~~

(b) **Suspension of a license, registration, or listing.** Suspension of a license, ~~or a registration, of a registered social worker~~ or a listing by the board that licenses, registers, or regulates such licensee, registrant, or unlicensed psychotherapist pursuant to this article shall be for a period to be determined by such board.

**SECTION 5.** 12-43-226 (1) (b), Colorado Revised Statutes, is amended to read:

**12-43-226. Unlawful acts.** (1) It is unlawful for any person:

(b) To use in connection with such person's name any designation tending to imply that such person is licensed pursuant to this article, or registered as a ~~registered social~~

~~worker pursuant to part 4 of this article~~ PSYCHOLOGIST CANDIDATE PURSUANT TO SECTION 12-43-304, during a period when such person's license or registration has been suspended or revoked;

**SECTION 6.** The introductory portion to 12-43-227 (1) and 12-43-227 (1) (b), Colorado Revised Statutes, are amended to read:

**12-43-227. Injunctive proceedings.** (1) A board as defined in section 12-43-201 ~~(1)~~; may, in the name of the people of the state of Colorado, through the attorney general of the state of Colorado, apply for an injunction in any court of competent jurisdiction:

(b) To enjoin a licensee licensed by that board from practicing the profession for which such person is licensed under this article or to enjoin a registered ~~social worker~~ PSYCHOLOGIST CANDIDATE from practicing the profession for which such person is registered under ~~part 4 of this article~~; SECTION 12-43-304, if such person has violated ~~the provisions of section 12-43-224 (2) (d) or section 12-43-222;~~

**SECTION 7.** 12-43-401 (3), Colorado Revised Statutes, is amended to read:

**12-43-401. Definitions.** As used in this part 4, unless the context otherwise requires:

(3) "Certificate" means a certificate of licensure as a licensed social worker ~~a licensed independent social worker~~, or a licensed clinical social worker. ~~and a certificate of registration as a registered social worker.~~

**SECTION 8.** 12-43-405 (1), (3) (a), and (4), Colorado Revised Statutes, are amended to read:

**12-43-405. Rights and privileges of licensure and a social work degree.**

(1) Any person who possesses a valid, unsuspended, and unrevoked certificate as a licensed social worker, and who has received a license pursuant to section 12-43-404, has the right to practice social work under supervision and use the title "licensed social worker", "social worker", and the abbreviation "LSW". ~~Any person who possesses a valid, unsuspended, and unrevoked certificate as a licensed social worker whose license was granted pursuant to the provisions of section 12-43-404 is entitled to engage in the private, independent practice of social work and has the right to practice and supervise social work practice and use the title "licensed social worker", "independent social worker", "social worker", or "licensed independent social worker" and the abbreviation "LISW".~~ No other person shall assume these titles or use these abbreviations on any work or letter, sign, figure, or device to indicate that the person using the same is a licensed social worker or a social worker.

(3) (a) ~~Any person who possesses a valid, unsuspended, and unrevoked certificate as a registered social worker has the right to use the title "social worker" or "registered social worker", and the abbreviation "RSW". No other person shall assume such title or use such abbreviation on any work or letter, sign, figure, or device to indicate that the person using the same is a registered social worker.~~

(4) Any person duly licensed as ~~an independent social worker~~, A licensed clinical

social worker or any person under the supervision of a ~~licensed independent social worker or a~~ licensed clinical social worker shall not be required to obtain any other license or certification to practice social work, as defined in section 12-43-403, unless otherwise required by the board of social work examiners.

**SECTION 9. Repeal.** 12-43-408 (2), Colorado Revised Statutes, is repealed as follows:

**12-43-408. School social workers.** (2) ~~The examination for the licensed independent social worker school social work competency shall be the same as the examination used for the special services license with social work endorsement issued pursuant to the "Colorado Educator Licensing Act of 1991", article 60.5 of title 22, C.R.S.~~

**SECTION 10.** 12-43-410 (3), Colorado Revised Statutes, is amended to read:

**12-43-410. Employees of social services.** (3) An employee of the state department of human services or a county department of social services who has earned a bachelor's or masters degree in social work may apply to the board, for purposes related to licensure under this part 4, for approval for supervision by a person other than a ~~licensed independent social worker or~~ licensed clinical social worker. The board shall consider input from representatives of the state department of human services and the county departments of social services when promulgating the rule concerning what qualifications or experience a person is required to possess in order to supervise an employee pursuant to this subsection (3).

**SECTION 11. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 5, 2005