

CHAPTER 133

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 08-1040

BY REPRESENTATIVE(S) Kerr A., Ferrandino, Frangas, Gagliardi, Green, McGihon, Primavera, Stafford, Borodkin, Butcher, Carroll M., Casso, Madden, Merrifield, Riesberg, Soper, Summers, Todd, Benefield, Kefalas, Kerr J., and Labuda; also SENATOR(S) Boyd, Mitchell S., Shaffer, Tochtrop, Tupa, Williams, and Windels.

AN ACT**CONCERNING ADDICTION COUNSELORS.**

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

SECTION 1. Article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART, CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

PART 8
ADDICTION COUNSELORS

12-43-801. [Formerly the introductory portion to 24-34-102 (14) (d) and 24-34-102 (14) (d) (II) and (14) (d) (III)] Definitions. ~~(14) (d)~~ As used in this subsection ~~(14)~~ PART 8, unless the context otherwise requires:

~~(H)~~ (1) "Certified addiction counselor" means an individual who has a certificate issued by the director ~~of the division of registrations within the department of regulatory agencies~~ to practice addiction counseling.

(2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

~~(HH)~~ (3) "Licensed addiction counselor" means a person who renders addiction counseling to an individual, group, or organization and who holds a license issued by the director. ~~of the division of registrations within the department of regulatory agencies.~~

12-43-802. [Formerly 24-34-102 (14) (d) (I)] Practice of addiction counseling

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

defined. ~~(14)(d)(1)~~ (1) FOR THE PURPOSES OF THIS PART 8, "addiction counseling" consists of the application of general counseling theories and treatment methods adopted specifically for alcohol and drug theory and research for the express purpose of treating alcohol and drug problems. Addiction counseling includes, but is not limited to, the following:

~~(A)~~ (a) Screening clients by means of a process in which a client is determined to be an appropriate candidate and eligible for admission to a particular program of treatment;

~~(B)~~ (b) An intake assessment through an administrative and initial interview for admission into a treatment program;

~~(C)~~ (c) Orientation to describe to the client the general nature and goals of the program and the client's rights in accordance with section 12-43-214; ~~C.R.S.~~;

~~(D)~~ (d) An assessment including those procedures by which an addiction counselor identifies and evaluates a client's strengths, weaknesses, problems, and needs in preparation of a treatment plan;

~~(E)~~ (e) A treatment plan that includes identification of the problems necessitating resolution, establishment of short-term and long-term goals, and the establishment of a treatment process;

~~(F)~~ (f) Counseling that encompasses the use of special skills to assist individuals, families, or groups in achieving objectives established in the treatment plan;

~~(G)~~ (g) Case management activities that bring together services, agencies, resources, or individuals for the purpose of achieving the goals outlined in the treatment plan;

~~(H)~~ (h) Crisis intervention that responds to a client's needs during acute emotional or physical distress;

~~(I)~~ (i) Client education to provide information to an individual or group concerning alcohol or drug abuse and the available services and resources;

~~(J)~~ (j) Referring a client to support systems, community resources, or health care professionals to assist the client with needs that may not be met by the addiction counselor;

~~(K)~~ (k) Reporting and record-keeping to chart the results of an assessment and treatment plan, including the preparation of reports, progress notes, discharge summaries, and other client-related data;

~~(L)~~ (l) Consulting with other addiction counselors, health care professionals, or mental health professionals to ensure comprehensive and quality care for the client; and

~~(M)~~ (m) The maintenance of the ethical addiction counselor-client relationships pursuant to ~~subparagraph (IV) of paragraph (a) of this subsection (14)~~ SECTION

12-43-803 (2) (d).

12-43-803. [Formerly 24-34-102 (14) (a)] Licensure or certification of addiction counselors - authority of director - rules. ~~(14) (a) (1) On and after July 1, 1998, the authority vested in the department of human services and the board of human services THE DIRECTOR IS AUTHORIZED to certify and discipline certified or licensed addiction counselors. is transferred to the director of the division of registrations in the department of regulatory agencies. The department of human services and board of human services THE DIVISION OF ALCOHOL AND DRUG ABUSE IN THE DEPARTMENT OF HUMAN SERVICES shall continue to exercise all other rights, powers, duties, functions, and obligations vested in those entities concerning certified or licensed addiction counselors pursuant to part 2 of article 1 of title 25, C.R.S.~~

(2) The director ~~of the division of registrations~~ may promulgate rules, which shall include, but shall not be limited to:

~~(f) (a) A requirement that addiction counselors, in order to participate in public programs or to provide purchased services and certification requirements therefor, shall meet standards established by the board of human services by rule. In addition to addiction counselors specifically authorized to be certified or licensed for approved programs pursuant to part 2 of article 1 of title 25, C.R.S., the director of the division of registrations in the department of regulatory agencies may certify or license addiction counselors, upon individual application, in any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 1.3 of title 18, C.R.S., any alcohol or drug abuse program administered by the division of adult services under part 1 of article 2 of title 17, C.R.S., any community corrections facility or program administered under article 27 of title 17, C.R.S., and any alcohol or drug abuse treatment program administered by the division of youth corrections under title 19, C.R.S.~~

~~(ff) (b) Fees to be charged for addiction counselor certification, licensure, and renewal. The amount assessed shall be sufficient to cover a portion of the costs of administering such certification, licensure, and testing, and the moneys collected after June 30, 1998, shall be deposited in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), C.R.S. Additional funding may be obtained from general, cash, or federal funds otherwise appropriated to the division of registrations in the department of regulatory agencies.~~

~~(fff) (c) A requirement that addiction counselors shall comply with section 12-43-222 C.R.S., in order to obtain and maintain certification or licensure;~~

~~(fv) (d) Procedures for disciplinary actions against certified or licensed addiction counselors for prohibited or unlawful acts, which procedures are consistent with the procedures established in sections ~~12-43-212~~, SECTIONS 12-43-212, 12-43-217, 12-43-221, 12-43-223, 12-43-224, 12-43-225, 12-43-226, and 12-43-227. C.R.S.~~

(3) IN ADDITION TO ADDICTION COUNSELORS SPECIFICALLY AUTHORIZED TO BE CERTIFIED OR LICENSED FOR APPROVED PROGRAMS PURSUANT TO PART 2 OF ARTICLE 1 OF TITLE 25, C.R.S., THE DIRECTOR MAY CERTIFY OR LICENSE ADDICTION COUNSELORS, UPON INDIVIDUAL APPLICATION, IN ANY ALCOHOL OR DRUG ABUSE

TREATMENT PROGRAM REQUIRED AS A CONDITION OF PROBATION UNDER PART 2 OF ARTICLE 1.3 OF TITLE 18, C.R.S., ANY ALCOHOL OR DRUG ABUSE PROGRAM ADMINISTERED BY THE DIVISION OF ADULT SERVICES UNDER PART 1 OF ARTICLE 2 OF TITLE 17, C.R.S., ANY COMMUNITY CORRECTIONS FACILITY OR PROGRAM ADMINISTERED UNDER ARTICLE 27 OF TITLE 17, C.R.S., AND ANY ALCOHOL OR DRUG ABUSE TREATMENT PROGRAM ADMINISTERED BY THE DIVISION OF YOUTH CORRECTIONS UNDER TITLE 19, C.R.S.

12-43-804. [Formerly 24-34-102 (14) (b) and (14) (c)] Procedures and requirements for license. ~~(14) (b) (i) (1) Procedures and requirements for licensure for addiction counselors.~~ Rules promulgated by the director ~~of the division of registrations~~ PURSUANT TO THIS PART 8 shall be consistent with the educational requirements necessary to comply with uniform educational standards set by the ~~national association of alcoholism and drug abuse counselors~~ FOR ADDICTION PROFESSIONALS or its successor organization. ~~and such~~ THE requirements shall include:

~~(A)~~ (a) Meeting the requirements for a certificate of addiction counseling, level III;

~~(B)~~ (b) Possessing a master's degree in the social sciences or an equivalent program, as determined appropriate by the director; ~~of the division of registrations and~~

~~(C)~~ (c) Passing a national ~~exam~~ EXAMINATION administered by either the ~~national association of alcoholism and drug abuse counselors~~ FOR ADDICTION PROFESSIONALS or the international certification reciprocity consortium, or by the successor of either organization.

~~(H)~~ (2) (a) The following persons, who shall be in good standing in their professions, may provide addiction counseling without becoming licensed pursuant to this ~~subsection (14)~~ PART 8:

~~(A)~~ (I) Any PERSON WHO IS licensed or registered AS A health care professional pursuant to article 36 OR 38 ~~or 43 of title 12, C.R.S.~~, OF THIS TITLE OR PARTS 3, 4, 5, OR 6 OF THIS ARTICLE AND IS acting within ~~such professional's~~ HIS OR HER scope of practice;

~~(B)~~ (II) School psychologists pursuant to part 2 of article 60.5 of title 22, C.R.S., acting within the scope of their employment as school psychologists; and

~~(C)~~ (III) Certified addiction counselors.

~~(H)~~ (b) A person described in ~~subparagraph (H) of this paragraph (b)~~ THIS SUBSECTION (2) shall not use the name, title, or designation of a licensed addiction counselor unless such person is also a licensed addiction counselor.

~~(IV)~~ (3) ~~On or before January 1, 2002;~~ The director ~~of the division of registrations~~ shall issue a license to any person who:

(a) Holds a valid certification ~~from~~ ISSUED BY the director; ~~of the division of~~

~~registrations as a certified addiction counselor and who:~~

~~(A)~~ (b) Is in good standing with the director;

~~(B)~~ (c) Has submitted an application and application fee; ~~and~~

(d) HAS SATISFIED THE EDUCATIONAL REQUIREMENTS ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION; AND

~~(C)~~ (e) Agrees to abide by the procedures described in ~~subparagraph (IV) of paragraph (a) of this subsection (14)~~ SECTION 12-43-803 (2) (d).

~~(e)~~ (4) Nothing in this ~~subsection (14)~~ PART 8 shall preclude or eliminate professional practice by a person who is certified as an alcohol counselor level I, II, or III that is within the person's scope of practice.

SECTION 2. 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, AND ADDICTION COUNSELING, it is necessary that the proper regulatory authorities be established and adequately provided for. The general assembly therefore declares that there shall be established a state board of psychologist examiners, a state board of social work examiners, a state board of marriage and family therapist examiners, 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 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. ADDITIONALLY, THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES IS AUTHORIZED TO CERTIFY AND LICENSE ADDICTION COUNSELORS AND TAKE DISCIPLINARY ACTIONS OR BRING INJUNCTIVE ACTIONS, OR BOTH, CONCERNING ADDICTION COUNSELORS.

SECTION 3. 12-43-201 (6), Colorado Revised Statutes, is amended, and the said 12-43-201 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

(1.5) "CERTIFIED ADDICTION COUNSELOR" MEANS A PERSON WHO IS AN ADDICTION COUNSELOR CERTIFIED PURSUANT TO THIS ARTICLE.

(1.7) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

(3.5) "LICENSED ADDICTION COUNSELOR" MEANS A PERSON WHO IS AN ADDICTION COUNSELOR LICENSED PURSUANT TO THIS ARTICLE.

(6) "Licensee" means a psychologist, social worker, marriage and family therapist, ~~or~~ licensed professional counselor, OR ADDICTION COUNSELOR licensed, CERTIFIED, or registered pursuant to this article.

SECTION 4. 12-43-202, Colorado Revised Statutes, is amended to read:

12-43-202. Practice outside of or beyond professional training, experience, or competence. Notwithstanding any other provision of this article, no licensee, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist is authorized to practice outside of or beyond his or her area of training, experience, or competence.

SECTION 5. 12-43-203 (4), (7), and (11) (a), Colorado Revised Statutes, are amended to read:

12-43-203. Boards - meetings - duties - powers - removal of members - immunity. (4) Each board AND THE DIRECTOR shall maintain current lists of the names of all licensees, registrants, CERTIFICATE HOLDERS, and unlicensed psychotherapists and records of cases and decisions rendered by the board OR THE DIRECTOR. In addition, each board AND THE DIRECTOR shall keep an accurate record of the results of all examinations for at least five years subsequent to the date of the examination.

(7) (a) THE DIRECTOR AND any member of a board or of a professional review committee authorized by a board OR DIRECTOR, any member of staff to a board, ~~or~~ committee, OR THE DIRECTOR, any person acting as a witness or consultant to a board, ~~or~~ committee, OR THE DIRECTOR, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as THE DIRECTOR, board or committee member, staff, consultant, or witness, respectively, if such individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any civil or criminal liability that may result from such participation.

(b) Further, any person participating in good faith in the making of a complaint or report, or participating in any investigative or administrative proceeding before the board OR THE DIRECTOR, pursuant to this article, shall be immune from any liability, civil or criminal, that otherwise might result by reason of such action.

(11) (a) A professional review committee may be established pursuant to this subsection (11) to investigate the quality of care being given by a person licensed, registered, CERTIFIED, or regulated pursuant to this article. If such a committee is established, it shall include in its membership at least three persons licensed, registered, CERTIFIED, or regulated under either part 3, 4, 5, 6, ~~or~~ 7, OR 8 of this

article, whichever is applicable, and such persons shall be licensees, registrants, CERTIFICATE HOLDERS, or unlicensed psychotherapists in the same profession as the licensee, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist who is the subject of a professional review proceeding, but such committee may be authorized to act only by a society or an association of persons licensed, registered, CERTIFIED, or regulated pursuant to this article whose membership includes not less than one-third of the persons licensed, registered, CERTIFIED, or regulated pursuant to part 3, 4, 5, 6, ~~or~~ 7, OR 8 of this article, whichever is applicable, residing in this state if the licensee, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist whose services are the subject of review is a member of such society or association.

SECTION 6. 12-43-204 (3) and (3.5), Colorado Revised Statutes, are amended to read:

12-43-204. Fees - renewal. (3) Every person licensed, CERTIFIED, or registered to practice psychology, social work, marriage and family therapy, ~~or~~ professional counseling, OR ADDICTION COUNSELING, or listed in the state grievance board data base, within the state shall renew or reinstate his or her license, certification, or registration pursuant to a schedule established by the director, ~~of the division of registrations within the department of regulatory agencies,~~ and licenses, certifications, and registrations shall be renewed or reinstated pursuant to section 24-34-102 (8), C.R.S. The director ~~of the division of registrations within the department of regulatory agencies~~ may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license, certification, or registration pursuant to the schedule established by the director, ~~of the division of registrations,~~ such license, certification, or registration shall expire. Any person whose license, certification, or registration has expired shall be subject to the penalties provided in this article or section 24-34-102 (8), C.R.S.

(3.5) The director ~~of the division of registrations~~ shall coordinate fee setting pursuant to this section so that all licensees, registrants, CERTIFICATE HOLDERS, and unlicensed psychotherapists pay fees as required by this section and section 12-43-702.5 (1).

SECTION 7. The introductory portion to 12-43-205 (1) and 12-43-205 (1) (g) and (1) (h), Colorado Revised Statutes, are amended to read:

12-43-205. Records. (1) THE DIRECTOR AND each board shall keep a record of its proceedings and a register of all applications for licenses OR CERTIFICATIONS, which shall include:

(g) The date of the action of the DIRECTOR OR board;

(h) Such other information as may be deemed necessary or advisable by the DIRECTOR OR board in aid of the requirements of this section.

SECTION 8. 12-43-206, Colorado Revised Statutes, is amended to read:

12-43-206. Licensure by endorsement. The board OR THE DIRECTOR, AS APPROPRIATE, may issue a license by endorsement to engage in the practice of

psychology, social work, marriage and family therapy, ~~or~~ professional counseling, OR ADDICTION COUNSELING to any applicant who has a license, registration, or certification in good standing as a psychologist, social worker, marriage and family therapist, ~~or~~ professional counselor, OR ADDICTION COUNSELOR under the laws of another jurisdiction if the applicant presents proof satisfactory to the board OR DIRECTOR that, at the time of application for a Colorado license by endorsement, the applicant possesses credentials and qualifications that are substantially equivalent to the requirements of section 12-43-304, 12-43-404, 12-43-504, ~~or~~ 12-43-603, OR 12-43-804, whichever is applicable. Each board OR THE DIRECTOR shall promulgate rules ~~and regulations~~ setting forth the manner in which credentials and qualifications of an applicant will be reviewed by the board OR THE DIRECTOR.

SECTION 9. 12-43-206.5 (1) and (2), Colorado Revised Statutes, are amended to read:

12-43-206.5. Provisional license - repeal. (1) (a) The board OR DIRECTOR may issue a provisional license to an applicant who has completed a post-graduate degree that meets the educational requirements for licensure in section 12-43-304, 12-43-403, 12-43-504, ~~or~~ 12-43-603, OR 12-43-804, as applicable, and who is working in a residential child care facility as defined in section 26-6-102 (8), C.R.S., under the supervision of a licensee.

(b) A provisional license issued pursuant to paragraph (a) of this subsection (1) shall terminate at the earliest of:

(I) Thirty days after termination of the provisional licensee's employment with a qualifying residential child care facility, unless the provisional licensee obtains and submits to the board OR DIRECTOR proof of employment with another residential child care facility; or

(II) Thirty days after termination of the provisional licensee's supervision by a licensee unless the provisional licensee obtains and submits to the board OR DIRECTOR proof of supervision by another licensee.

(c) A provisional licensee shall notify the board OR DIRECTOR of any change in supervision within thirty days after the change.

(2) THE DIRECTOR AND each board may charge an application fee to an applicant for a provisional license. All fees collected pursuant to this subsection (2) shall be transmitted to the state treasurer, who shall credit the same to the division of registrations cash fund pursuant to section 24-34-105, C.R.S. An application for a provisional license shall identify the name, contact information, and license number of the licensee providing supervision of the provisional licensure applicant.

SECTION 10. 12-43-208, Colorado Revised Statutes, is amended to read:

12-43-208. Drugs - medicine. Nothing in this article shall be construed as permitting psychologists, social workers, marriage and family therapists, ~~and~~ professional counselors, AND ADDICTION COUNSELORS licensed, CERTIFIED, or registered under this article or unlicensed psychotherapists to administer or prescribe drugs or in any manner engage in the practice of medicine as defined by

the laws of this state.

SECTION 11. 12-43-209, Colorado Revised Statutes, is amended to read:

12-43-209. Collaborate with physician. A licensee, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist, in order to make provision for the diagnosis and treatment of medical problems, shall collaborate with a physician licensed under the laws of this state, except when practicing pursuant to the provisions of section 12-43-201 (9). A licensee, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist shall not diagnose, prescribe for, treat, or advise a client with reference to medical problems.

SECTION 12. The introductory portions to 12-43-211 (1) and (1) (b), Colorado Revised Statutes, are amended, and the said 12-43-211 (1) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

12-43-211. Professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, and addiction counseling - definitions. (1) Licensees may form professional service corporations for the practice of psychology, social work, marriage and family therapy, ~~or~~ professional counseling, OR ADDICTION COUNSELING under the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S., if such corporations are organized and operated in accordance with the provisions of this section. The articles of incorporation of such corporations shall contain provisions complying with the following requirements:

(b) The corporation shall be organized by licensees for the purpose of conducting the practice of psychology, social work, marriage and family therapy, ~~or~~ professional counseling, OR ADDICTION COUNSELING by the respective licensees of those practices. The corporation may be organized with any other person, and any person may own shares in such corporation, if the following conditions are met:

(VI) THE PRACTICE OF ADDICTION COUNSELING BY THE PROFESSIONAL SERVICE CORPORATION IS PERFORMED BY A LICENSED ADDICTION COUNSELOR ACTING INDEPENDENTLY OR UNDER THE SUPERVISION OF A PERSON LICENSED PURSUANT TO THIS ARTICLE OR A LICENSED ADDICTION COUNSELOR. ANY LICENSED ADDICTION COUNSELOR MEMBER OF THE PROFESSIONAL SERVICE CORPORATION REMAINS INDIVIDUALLY RESPONSIBLE FOR HIS OR HER PROFESSIONAL ACTS AND CONDUCT AS PROVIDED IN THIS ARTICLE.

SECTION 13. 12-43-213, Colorado Revised Statutes, is amended to read:

12-43-213. Legislative intent - schools and colleges - examinations. It is the intent of the general assembly that the definition relating to full-time courses of study and institutions of higher education for graduation of persons who are thereby qualified to take examinations for licensure under this article be liberally construed by THE DIRECTOR AND each board under ~~its~~ THE DIRECTOR'S OR BOARD'S rule-making powers to ensure the right to take such examinations. It is not the intent that technical barriers be used to deny the ability to take such examination.

SECTION 14. The introductory portion to 12-43-214 (1) and 12-43-214 (1) (a),

(1) (b), (1) (d) (III), and (1) (d) (IV), Colorado Revised Statutes, are amended to read:

12-43-214. Mandatory disclosure of information to clients. (1) Except as otherwise provided in subsection (4) of this section, every unlicensed psychotherapist, licensee, CERTIFICATE HOLDER, or registrant shall provide the following information in writing to each client during the initial client contact:

(a) The name, business address, and business phone number of the unlicensed psychotherapist, licensee, CERTIFICATE HOLDER, or registrant;

(b) A listing of any degrees, credentials, CERTIFICATIONS, and licenses;

(d) A statement indicating that:

(III) In a professional relationship, sexual intimacy is never appropriate and should be reported to the DIRECTOR OR THE board that regulates, registers, CERTIFIES, or licenses such unlicensed psychotherapist, registrant, CERTIFICATE HOLDER, or licensee;

(IV) The information provided by the client during therapy sessions is legally confidential in the case of licensed marriage and family therapists, social workers, professional counselors, psychologists, LICENSED OR CERTIFIED ADDICTION COUNSELORS, and unlicensed psychotherapists, except as provided in section 12-43-218 and except for certain legal exceptions that will be identified by the licensee, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist should any such situation arise during therapy.

SECTION 15. 12-43-215 (1), Colorado Revised Statutes, is amended to read:

12-43-215. Scope of article - exemptions. (1) Any person engaged in the practice of religious ministry shall not be required to comply with the provisions of this article; except that such person shall not hold himself or herself out to the public by any title incorporating the terms "psychologist", "social worker", "licensed social worker", "LSW", "licensed clinical social worker", "clinical social worker", "LCSW", "licensed marriage and family therapist", "LMFT", "licensed professional counselor", ~~or~~ "LPC", "ADDICTION COUNSELOR", "LICENSED ADDICTION COUNSELOR", "LAC", "CERTIFIED ADDITION COUNSELOR", OR "CAC" unless that person has been licensed OR CERTIFIED pursuant to this article.

SECTION 16. 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, OR ADDICTION COUNSELOR may only use the title for which he or she is licensed, CERTIFIED, 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", "licensed social worker", "LSW", "marriage and family therapist", "LMFT", "professional counselor", "LPC", "psychologist", "psychologist candidate", "psychology", ~~or~~ "psychological", "ADDICTION COUNSELOR", "LICENSED ADDICTION COUNSELOR",

"LAC", "CERTIFIED ADDICTION COUNSELOR", OR "CAC", and no other person shall state or imply that he or she is licensed to practice social work, marriage and family therapy, professional counseling, ~~or~~ psychology, OR ADDICTION COUNSELING. Nothing in this section shall prohibit a person from stating or using the educational degrees that such person has obtained.

SECTION 17. 12-43-218 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

12-43-218. Disclosure of confidential communications. (1) A licensee, school psychologist, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist shall not disclose, without the consent of the client, any confidential communications made by the client, or advice given thereon, in the course of professional employment; nor shall a licensee's, school psychologist's, registrant's, CERTIFICATE HOLDER'S, or unlicensed psychotherapist's employee or associate, whether clerical or professional, disclose any knowledge of said communications acquired in such capacity; nor shall any person who has participated in any therapy conducted under the supervision of a licensee, school psychologist, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist, including, but not limited to, group therapy sessions, disclose any knowledge gained during the course of such therapy without the consent of the person to whom the knowledge relates.

(2) Subsection (1) of this section shall not apply when:

(a) A client or the heirs, executors, or administrators of a client file suit or a complaint against a licensee, school psychologist, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist on any cause of action arising out of or connected with the care or treatment of such client by the licensee, school psychologist, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist;

(b) A licensee, school psychologist, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist was in consultation with a physician, registered professional nurse, licensee, school psychologist, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist against whom a suit or complaint was filed based on the case out of which said suit or complaint arises;

(c) A review of services of a licensee, school psychologist, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist is conducted by any of the following:

(I) A board OR THE DIRECTOR or a person or group authorized by ~~such~~ THE board OR DIRECTOR to make an investigation on its behalf;

(II) The governing board of a hospital licensed pursuant to part 1 of article 3 of title 25, C.R.S., where said licensee, school psychologist, registrant, CERTIFICATE HOLDER, or unlicensed psychotherapist practices or the medical staff of such hospital if the medical staff operates pursuant to written bylaws approved by the governing board of such hospital; or

(III) A professional review committee established pursuant to section 12-43-203 (11) if said person has signed a release authorizing such review.

(3) The records and information produced and used in the review provided for in paragraph (c) of subsection (2) of this section shall not become public records solely by virtue of the use of such records and information. The identity of any client whose records are so reviewed shall not be disclosed to any person not directly involved in such review process, and procedures shall be adopted by THE DIRECTOR OR a board, hospital, association, or society to ensure that the identity of the client is concealed during the review process itself and to comply with the provisions of section 12-43-224 (4).

SECTION 18. The introductory portion to 12-43-221 (1) and 12-43-221 (1) (b) (I), (1) (b) (II), (1) (f), and (2), Colorado Revised Statutes, are amended to read:

12-43-221. Powers and duties of the boards. (1) In addition to all other powers and duties conferred and imposed upon the boards, as defined in section 12-43-201 (1), AND THE DIRECTOR by this article, each board ~~has~~ AND THE DIRECTOR, AS APPROPRIATE, HAVE the following powers and duties with respect to the licensing, registration, CERTIFICATION, and regulation of the persons licensed, registered, CERTIFIED, or listed by each individual board pursuant to part 3, 4, 5, 6, or 7 of this article OR BY THE DIRECTOR PURSUANT TO PART 8 OF THIS ARTICLE:

(b) (I) To make investigations, hold hearings, and take evidence in accordance with the provisions of article 4 of title 24, C.R.S., and this article in all matters relating to the exercise and performance of the powers and duties vested in each board OR THE DIRECTOR.

(II) THE DIRECTOR AND each board, or an administrative law judge acting on ~~such~~ THE DIRECTOR'S OR board's behalf, shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the DIRECTOR OR board. THE DIRECTOR AND each board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the DIRECTOR OR board pursuant to paragraph (e) of this subsection (1).

(f) To notify the public of all disciplinary actions taken against licensees, registrants, CERTIFICATE HOLDERS, or unlicensed psychotherapists pursuant to this article.

(2) Pursuant to this part 2 and article 4 of title 24, C.R.S., THE DIRECTOR AND each board is authorized to adopt and revise such rules as may be necessary to enable ~~it~~ THE DIRECTOR OR BOARD to carry out the provisions of this part 2 with respect to the regulation of the persons licensed, registered, CERTIFIED, or regulated by each individual board pursuant to part 3, 4, 5, 6, or 7 of this article OR BY THE DIRECTOR PURSUANT TO PART 8 OF THIS ARTICLE.

SECTION 19. The introductory portion to 12-43-222 (1) and 12-43-222 (1) (e), (1) (w), and (2), Colorado Revised Statutes, are amended to read:

12-43-222. Prohibited activities - related provisions. (1) A person licensed, registered, CERTIFIED, or regulated under part 3, 4, 5, 6, ~~or~~ 7, OR 8 of this article is

in violation of this article if such person:

(e) Is habitually intemperate or excessively uses any habit-forming drug or is a habitual user of any controlled substance, as defined in section 12-22-303 (7), or any alcoholic beverage, any of which renders him or her unfit to practice pursuant to ~~parts~~ PART 3, 4, 5, 6, ~~or~~ 7, OR 8 of this article;

(w) Has sold or fraudulently obtained or furnished a license, CERTIFICATION, or registration to practice as a social worker, marriage and family therapist, professional counselor, ~~or~~ psychologist, OR ADDICTION COUNSELOR or has aided or abetted therein.

(2) A disciplinary action relating to a license, registration, CERTIFICATION, or listing to practice a profession licensed, registered, CERTIFIED, or listed under part 3, 4, 5, 6, ~~or~~ 7, OR 8 of this article or any related occupation in any other state, territory, or country for disciplinary reasons shall be deemed to be prima facie evidence of grounds for disciplinary action, including denial of licensure, by a board OR THE DIRECTOR. This subsection (2) shall apply only to disciplinary actions based upon acts or omissions in such other state, territory, or country substantially similar to those set out as grounds for disciplinary action pursuant to subsection (1) of this section.

SECTION 20. 12-43-226 (2) and (4), Colorado Revised Statutes, are amended to read:

12-43-226. Unauthorized practice - penalties. (2) Any person who practices or offers or attempts to practice as a social worker, marriage and family therapist, professional counselor, ADDICTION COUNSELOR, or psychologist without an active license, CERTIFICATION, or registration issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense. Any person who commits a second or any subsequent offense commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

(4) No action may be maintained for the breach of a contract involving the unlawful practice of psychology, social work, professional counseling, marriage and family therapy, ADDICTION COUNSELING, or psychotherapy or for the recovery of compensation for services rendered under such a contract.

SECTION 21. 12-43-229, Colorado Revised Statutes, is amended to read:

12-43-229. Repeal of article. (1) PARTS 1 TO 7 OF this article ~~is~~ ARE repealed, effective July 1, 2011. Prior to such repeal, all of the boards relating to the licensing of and grievances against any person licensed, registered, or regulated pursuant to the provisions of this article shall be reviewed as provided for in section 24-34-104, C.R.S.

(2) THE FUNCTIONS OF THE DIRECTOR REGARDING ADDICTION COUNSELORS AS SET FORTH IN PART 8 OF THIS ARTICLE ARE REPEALED, EFFECTIVE JULY 1, 2011. PRIOR TO SUCH REPEAL, THE FUNCTIONS OF THE DIRECTOR SHALL BE REVIEWED PURSUANT TO SECTION 24-34-104, C.R.S.

SECTION 22. Repeal of provision being relocated in this act. 24-34-102 (14), Colorado Revised Statutes, is repealed.

SECTION 23. 24-34-104 (42) (g), Colorado Revised Statutes, is amended, and the said 24-34-104 (42) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (42) The following agencies, functions, or both, shall terminate on July 1, 2011:

(g) Notwithstanding paragraph (a) of subsection (11) of this section, boards relating to the licensing of and grievances against any person regulated, registered, or licensed pursuant to ~~the provisions of PARTS 3, 4, 5, 6, AND 7 OF~~ article 43 of title 12, C.R.S., and created pursuant to article 43 of title 12, C.R.S.;

(n) ~~THE LICENSING, CERTIFICATION, AND REGULATION OF ADDICTION COUNSELORS BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES IN ACCORDANCE WITH PART 8 OF ARTICLE 43 OF TITLE 12, C.R.S.~~

SECTION 24. 10-16-104 (7) (a) (I) (B) and (7) (b) (II) (B), Colorado Revised Statutes, are amended, and the said 10-16-104 (7) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

10-16-104. Mandatory coverage provisions - definitions.
(7) Reimbursement of providers. (a) **Sickness and accident insurance.** (I) (B) The licensed persons who may not be denied reimbursement pursuant to sub-subparagraph (A) of this subparagraph (I) shall include registered professional nurses, ~~and~~ licensed clinical social workers, AND LICENSED ADDICTION COUNSELORS. However, such inclusion shall not be interpreted as enlarging the scope of professional nursing, ~~or~~ licensed clinical social worker, OR LICENSED ADDICTION COUNSELING practice. ~~For purposes of this subsection (7), "licensed clinical social worker" shall have the meaning set forth in subparagraph (HH) of paragraph (b) of subsection (5) of this section.~~

(b) **Nonprofit hospital, medical-surgical, and health service corporations.** (II) (B) If a service is a benefit made available by a corporation subject to the provisions of this part 1 and part 3 of this article to its members or subscribers and such service is performed by a registered professional nurse within the scope of his or her license, ~~or~~ by a licensed clinical social worker within the scope of his or her license, OR BY A LICENSED ADDICTION COUNSELOR WITHIN THE SCOPE OF HIS OR HER LICENSE, the reimbursement for such service shall be made directly to the registered professional nurse, ~~or~~ licensed clinical social worker, OR LICENSED ADDICTION COUNSELOR when acting as an independent provider under contract with the corporation. However, such inclusion shall not be interpreted as expanding the scope of professional nursing, ~~or~~ licensed clinical social worker, OR LICENSED ADDICTION COUNSELING practice. Nothing shall be construed to allow duplicate payment for the same service by different providers. ~~For purposes of this subsection (7), "licensed clinical social worker" shall have the meaning set forth in subparagraph (HH) of paragraph (b) of subsection (5) of this section.~~

(c) **Definitions.** AS USED IN THIS SUBSECTION (7):

(I) "LICENSED ADDICTION COUNSELOR" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 12-43-201, C.R.S.

(II) "LICENSED CLINICAL SOCIAL WORKER" SHALL HAVE THE SAME MEANING AS SET FORTH IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION.

SECTION 25. 13-4-102 (2) (s) and (2) (t), Colorado Revised Statutes, are amended to read:

13-4-102. Jurisdiction. (2) The court of appeals shall have initial jurisdiction to:

(s) Review final actions and orders ~~appropriate for judicial review~~ of the boards, as defined in section 12-43-201 (1), C.R.S., THAT ARE APPROPRIATE FOR JUDICIAL REVIEW, AND FINAL ACTIONS AND ORDERS OF THE DIRECTOR OF THE DIVISION OF REGISTRATIONS PERTAINING TO ADDICTION COUNSELORS PURSUANT TO PART 8 OF ARTICLE 43 OF TITLE 12, C.R.S., THAT ARE APPROPRIATE FOR JUDICIAL REVIEW;

~~(t) Review final actions and orders appropriate for judicial review of the Colorado state board of psychologist examiners, the state board of social work examiners, the state board of marriage and family therapist examiners, and the state board of licensed professional counselor examiners, as provided in section 12-43-217, C.R.S.;~~

SECTION 26. 13-21-115.5 (3) (c) (II), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

13-21-115.5. Volunteer service act - immunity - exception for operation of motor vehicles. (3) As used in this section, unless the context otherwise requires:

(c) (II) "Volunteer" includes:

(S) A LICENSED OR CERTIFIED ADDICTION COUNSELOR GOVERNED BY THE PROVISIONS OF ARTICLE 43 OF TITLE 12, C.R.S., PERFORMING ADDICTION COUNSELING, AS DEFINED IN SECTION 12-43-802, C.R.S., AS A VOLUNTEER FOR A NONPROFIT ORGANIZATION, A NONPROFIT CORPORATION, A GOVERNMENTAL ENTITY, OR A HOSPITAL.

SECTION 27. 18-12-203 (1) (e) (II), Colorado Revised Statutes, is amended to read:

18-12-203. Criteria for obtaining a permit. (1) Beginning May 17, 2003, except as otherwise provided in this section, a sheriff shall issue a permit to carry a concealed handgun to an applicant who:

(e) (II) The prohibition specified in this paragraph (e) shall not apply to an applicant who provides an affidavit, signed by a professional counselor OR ADDICTION COUNSELOR who is licensed pursuant to article 43 of title 12, C.R.S., and

specializes in alcohol addiction, stating that the applicant has been evaluated by the counselor and has been determined to be a recovering alcoholic who has refrained from using alcohol for at least three years.

SECTION 28. 25-1-207 (1) (d), Colorado Revised Statutes, is amended to read:

25-1-207. Rules. (1) The state board of human services, created in section 26-1-107, C.R.S., has the power to promulgate rules governing the provisions of this part 2. Such rules may include, but shall not be limited to:

(d) Standards that must be met by addiction counselors to participate in public programs or to provide purchased services and certification requirements necessary to be certified by the director of the division of registrations, pursuant to ~~section 24-34-102 (14)~~ PART 8 OF ARTICLE 43 OF TITLE 12, C.R.S.;

SECTION 29. 27-10-105 (1) (a) (II) (D), Colorado Revised Statutes, is amended to read:

27-10-105. Emergency procedure. (1) Emergency procedure may be invoked under either one of the following two conditions:

(a) (II) The following persons may effect a seventy-two-hour hold as provided in subparagraph (I) of this paragraph (a):

(D) A licensed marriage and family therapist or licensed professional counselor, licensed under the provisions of part 5 or 6 of article 43 of title 12, C.R.S., or an addiction counselor licensed pursuant to section ~~24-34-102 (14) (b) (IV)~~ 12-43-804 (3), C.R.S., who by reason of postgraduate education and additional preparation has gained knowledge, judgment, and skill in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental disorders; or

SECTION 30. 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 6, 2008, if adjournment sine die is on May 7, 2008); 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 14, 2008