

## CHAPTER 304

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**PROFESSIONS AND OCCUPATIONS**


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**HOUSE BILL 09-1086**

BY REPRESENTATIVE(S) McGihon, Green, Frangas, Benefield, Fischer, Gerou, Kefalas, Loooper, Schafer S., Todd, Vigil;  
also SENATOR(S) Boyd, Foster, Gibbs, Newell, Shaffer B., Tochtrop, Williams.

**AN ACT**

**CONCERNING CONTINUING PROFESSIONAL COMPETENCY OF CERTAIN MENTAL HEALTH PROFESSIONALS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 12-43-212 (2), Colorado Revised Statutes, is amended to read:

**12-43-212. Denial of license - reinstatement.** (2) If a board, OR THE DIRECTOR PURSUANT TO THE AUTHORITY SPECIFIED IN PART 8 OF THIS ARTICLE, determines that an applicant does not possess the applicable qualifications required by this article or, FOR A LICENSED CLINICAL SOCIAL WORKER, LICENSED SOCIAL WORKER, LICENSED MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR, LICENSED ADDICTION COUNSELOR, OR LEVEL II OR III CERTIFIED ADDICTION COUNSELOR, is unable to demonstrate his OR HER continued professional competence as required by ~~section 12-43-204 (4)~~ SECTION 12-43-411, 12-43-506, 12-43-605, OR 12-43-805, RESPECTIVELY, the board, OR THE DIRECTOR PURSUANT TO THE AUTHORITY SPECIFIED IN PART 8 OF THIS ARTICLE, may deny the applicant a license or deny the reinstatement of a license; ~~pursuant to section 12-43-204 (4)~~; and, in such instance, the board OR DIRECTOR shall provide ~~such~~ THE applicant with a statement in writing setting forth the basis of the board's OR DIRECTOR'S determination that the applicant does not possess the qualifications or professional competence required by this article. ~~Such~~ THE applicant may request a hearing on ~~such~~ THE determination as provided in section 24-4-104 (9), C.R.S.

**SECTION 2.** Part 4 of article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-43-411. Continuing professional competency - board rules - repeal.**  
(1) (a) IN ACCORDANCE WITH SECTION 12-43-404, THE BOARD ISSUES A LICENSE TO

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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.*

PRACTICE AS A CLINICAL SOCIAL WORKER OR A SOCIAL WORKER BASED ON WHETHER THE APPLICANT SATISFIES MINIMUM EDUCATIONAL AND EXPERIENCE REQUIREMENTS THAT DEMONSTRATE PROFESSIONAL COMPETENCY TO PRACTICE AS A LICENSED CLINICAL SOCIAL WORKER OR A LICENSED SOCIAL WORKER, RESPECTIVELY. AFTER A LICENSE IS ISSUED TO AN APPLICANT, THE LICENSED CLINICAL SOCIAL WORKER OR LICENSED SOCIAL WORKER SHALL MAINTAIN CONTINUING PROFESSIONAL COMPETENCY TO PRACTICE AS A LICENSED CLINICAL SOCIAL WORKER OR LICENSED SOCIAL WORKER, RESPECTIVELY.

(b) THE BOARD SHALL ADOPT RULES ESTABLISHING A CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT A MINIMUM, THE FOLLOWING ELEMENTS:

(I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A LICENSED CLINICAL SOCIAL WORKER OR LICENSED SOCIAL WORKER SEEKING TO RENEW OR REINSTATE A LICENSE;

(II) DEVELOPMENT, EXECUTION, AND DOCUMENTATION OF A LEARNING PLAN BASED ON THE ASSESSMENT; AND

(III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE AT LEAST MINIMAL ABILITY TO SAFELY PRACTICE THE PROFESSION. NOTHING IN THIS SUBPARAGRAPH (III) SHALL REQUIRE A LICENSED CLINICAL SOCIAL WORKER OR A LICENSED SOCIAL WORKER TO RETAKE ANY EXAMINATION REQUIRED PURSUANT TO SECTION 12-43-404 IN CONNECTION WITH INITIAL LICENSURE.

(c) THE BOARD SHALL ESTABLISH THAT A LICENSED CLINICAL SOCIAL WORKER OR LICENSED SOCIAL WORKER IS DEEMED TO SATISFY THE CONTINUING COMPETENCY REQUIREMENTS OF THIS SECTION IF THE LICENSED CLINICAL SOCIAL WORKER OR LICENSED SOCIAL WORKER MEETS THE CONTINUED PROFESSIONAL COMPETENCE REQUIREMENTS OF ONE OF THE FOLLOWING ENTITIES:

(I) A STATE DEPARTMENT, INCLUDING CONTINUED PROFESSIONAL COMPETENCE REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL ARRANGEMENT WITH A PROVIDER;

(II) AN ACCREDITING BODY RECOGNIZED BY THE BOARD; OR

(III) AN ENTITY APPROVED BY THE BOARD.

(d) (I) AFTER THE PROGRAM IS ESTABLISHED, LICENSED CLINICAL SOCIAL WORKERS AND LICENSED SOCIAL WORKERS SHALL SATISFY THE REQUIREMENTS OF THE PROGRAM IN ORDER TO RENEW OR REINSTATE A LICENSE TO PRACTICE AS A LICENSED CLINICAL SOCIAL WORKER OR AS A LICENSED SOCIAL WORKER IN COLORADO.

(II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL LICENSED CLINICAL SOCIAL WORKERS OR LICENSED SOCIAL WORKERS WHO ARE LICENSED PURSUANT TO THIS PART 4, AND NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A PERSON WHO EMPLOYS OR CONTRACTS WITH A LICENSED CLINICAL

SOCIAL WORKER OR LICENSED SOCIAL WORKER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

(2) (a) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED CLINICAL SOCIAL WORKER OR A LICENSED SOCIAL WORKER. THE RECORDS OR DOCUMENTS SHALL BE USED ONLY BY THE BOARD FOR PURPOSES OF DETERMINING WHETHER A LICENSED CLINICAL SOCIAL WORKER OR LICENSED SOCIAL WORKER IS MAINTAINING CONTINUING PROFESSIONAL COMPETENCY TO ENGAGE IN THE PROFESSION.

(b) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2), NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT THE DISCOVERY OF INFORMATION OR DOCUMENTS THAT ARE OTHERWISE DISCOVERABLE UNDER THE COLORADO RULES OF CIVIL PROCEDURE IN CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED CLINICAL SOCIAL WORKER OR LICENSED SOCIAL WORKER.

(3) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL COMPETENCY" MEANS THE ONGOING ABILITY OF A LICENSEE TO LEARN, INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT TO PRACTICE AS A LICENSED CLINICAL SOCIAL WORKER OR AS A LICENSED SOCIAL WORKER, AS APPLICABLE, ACCORDING TO GENERALLY ACCEPTED INDUSTRY STANDARDS AND PROFESSIONAL ETHICAL STANDARDS IN A DESIGNATED ROLE AND SETTING.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

**SECTION 3.** Part 5 of article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-43-506. Continuing professional competency - board rules - repeal.**

(1) (a) IN ACCORDANCE WITH SECTION 12-43-504, THE BOARD ISSUES A LICENSE TO PRACTICE MARRIAGE AND FAMILY THERAPY BASED ON WHETHER THE APPLICANT SATISFIES MINIMUM EDUCATIONAL AND EXPERIENCE REQUIREMENTS THAT DEMONSTRATE PROFESSIONAL COMPETENCY TO PRACTICE MARRIAGE AND FAMILY THERAPY. AFTER A LICENSE IS ISSUED TO AN APPLICANT, THE LICENSED MARRIAGE AND FAMILY THERAPIST SHALL MAINTAIN CONTINUING PROFESSIONAL COMPETENCY TO PRACTICE MARRIAGE AND FAMILY THERAPY.

(b) THE BOARD SHALL ADOPT RULES ESTABLISHING A CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT A MINIMUM, THE FOLLOWING ELEMENTS:

(I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A LICENSED MARRIAGE AND FAMILY THERAPIST SEEKING TO RENEW OR REINSTATE A LICENSE;

(II) DEVELOPMENT, EXECUTION, AND DOCUMENTATION OF A LEARNING PLAN BASED ON THE ASSESSMENT; AND

(III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE AT LEAST MINIMAL ABILITY

TO SAFELY PRACTICE THE PROFESSION. NOTHING IN THIS SUBPARAGRAPH (III) SHALL REQUIRE A LICENSED MARRIAGE AND FAMILY THERAPIST TO RETAKE ANY EXAMINATION REQUIRED PURSUANT TO SECTION 12-43-504 IN CONNECTION WITH INITIAL LICENSURE.

(c) THE BOARD SHALL ESTABLISH THAT A LICENSED MARRIAGE AND FAMILY THERAPIST IS DEEMED TO SATISFY THE CONTINUING COMPETENCY REQUIREMENTS OF THIS SECTION IF THE LICENSED MARRIAGE AND FAMILY THERAPIST MEETS THE CONTINUED PROFESSIONAL COMPETENCE REQUIREMENTS OF ONE OF THE FOLLOWING ENTITIES:

(I) A STATE DEPARTMENT, INCLUDING CONTINUED PROFESSIONAL COMPETENCE REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL ARRANGEMENT WITH A PROVIDER;

(II) AN ACCREDITING BODY RECOGNIZED BY THE BOARD; OR

(III) AN ENTITY APPROVED BY THE BOARD.

(d)(I) AFTER THE PROGRAM IS ESTABLISHED, A LICENSED MARRIAGE AND FAMILY THERAPIST SHALL SATISFY THE REQUIREMENTS OF THE PROGRAM IN ORDER TO RENEW OR REINSTATE A LICENSE TO PRACTICE MARRIAGE AND FAMILY THERAPY IN COLORADO.

(II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL MARRIAGE AND FAMILY THERAPISTS WHO ARE LICENSED PURSUANT TO THIS PART 5, AND NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A PERSON WHO EMPLOYS OR CONTRACTS WITH A LICENSED MARRIAGE AND FAMILY THERAPIST TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

(2) (a) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED MARRIAGE AND FAMILY THERAPIST. THE RECORDS OR DOCUMENTS SHALL BE USED ONLY BY THE BOARD FOR PURPOSES OF DETERMINING WHETHER A LICENSED MARRIAGE AND FAMILY THERAPIST IS MAINTAINING CONTINUING PROFESSIONAL COMPETENCY TO ENGAGE IN THE PROFESSION.

(b) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2), NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT THE DISCOVERY OF INFORMATION OR DOCUMENTS THAT ARE OTHERWISE DISCOVERABLE UNDER THE COLORADO RULES OF CIVIL PROCEDURE IN CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED MARRIAGE AND FAMILY THERAPIST.

(3) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL COMPETENCY" MEANS THE ONGOING ABILITY OF A LICENSEE TO LEARN, INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT TO PRACTICE AS A MARRIAGE AND FAMILY THERAPIST ACCORDING TO GENERALLY ACCEPTED INDUSTRY STANDARDS AND PROFESSIONAL ETHICAL STANDARDS IN A DESIGNATED ROLE AND SETTING.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

**SECTION 4.** Part 6 of article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-43-605. Continuing professional competency - board rules - repeal.**

(1) (a) IN ACCORDANCE WITH SECTION 12-43-603, THE BOARD ISSUES A LICENSE TO PRACTICE PROFESSIONAL COUNSELING BASED ON WHETHER THE APPLICANT SATISFIES MINIMUM EDUCATIONAL AND EXPERIENCE REQUIREMENTS THAT DEMONSTRATE PROFESSIONAL COMPETENCY TO PRACTICE PROFESSIONAL COUNSELING. AFTER A LICENSE IS ISSUED TO AN APPLICANT, THE LICENSED PROFESSIONAL COUNSELOR SHALL MAINTAIN CONTINUING PROFESSIONAL COMPETENCY TO PRACTICE PROFESSIONAL COUNSELING.

(b) THE BOARD SHALL ADOPT RULES ESTABLISHING A CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT A MINIMUM, THE FOLLOWING ELEMENTS:

(I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A LICENSED PROFESSIONAL COUNSELOR SEEKING TO RENEW OR REINSTATE A LICENSE;

(II) DEVELOPMENT, EXECUTION, AND DOCUMENTATION OF A LEARNING PLAN BASED ON THE ASSESSMENT; AND

(III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE AT LEAST MINIMAL ABILITY TO SAFELY PRACTICE THE PROFESSION. NOTHING IN THIS SUBPARAGRAPH (III) SHALL REQUIRE A LICENSED PROFESSIONAL COUNSELOR TO RETAKE ANY EXAMINATION REQUIRED PURSUANT TO SECTION 12-43-603 IN CONNECTION WITH INITIAL LICENSURE.

(c) THE BOARD SHALL ESTABLISH THAT A LICENSED PROFESSIONAL COUNSELOR IS DEEMED TO SATISFY THE CONTINUING COMPETENCY REQUIREMENTS OF THIS SECTION IF THE LICENSED PROFESSIONAL COUNSELOR MEETS THE CONTINUED PROFESSIONAL COMPETENCE REQUIREMENTS OF ONE OF THE FOLLOWING ENTITIES:

(I) A STATE DEPARTMENT, INCLUDING CONTINUED PROFESSIONAL COMPETENCE REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL ARRANGEMENT WITH A PROVIDER;

(II) AN ACCREDITING BODY RECOGNIZED BY THE BOARD; OR

(III) AN ENTITY APPROVED BY THE BOARD.

(d) (I) AFTER THE PROGRAM IS ESTABLISHED, A LICENSED PROFESSIONAL COUNSELOR SHALL SATISFY THE REQUIREMENTS OF THE PROGRAM IN ORDER TO RENEW OR REINSTATE A LICENSE TO PRACTICE PROFESSIONAL COUNSELING IN COLORADO.

(II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL PROFESSIONAL COUNSELORS WHO ARE LICENSED PURSUANT TO THIS PART 6, AND NOTHING IN THIS

SECTION SHALL BE CONSTRUED TO REQUIRE A PERSON WHO EMPLOYS OR CONTRACTS WITH A LICENSED PROFESSIONAL COUNSELOR TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

(2) (a) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED PROFESSIONAL COUNSELOR. THE RECORDS OR DOCUMENTS SHALL BE USED ONLY BY THE BOARD FOR PURPOSES OF DETERMINING WHETHER A LICENSED PROFESSIONAL COUNSELOR IS MAINTAINING CONTINUING PROFESSIONAL COMPETENCY TO ENGAGE IN THE PROFESSION.

(b) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2), NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT THE DISCOVERY OF INFORMATION OR DOCUMENTS THAT ARE OTHERWISE DISCOVERABLE UNDER THE COLORADO RULES OF CIVIL PROCEDURE IN CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED PROFESSIONAL COUNSELOR.

(3) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL COMPETENCY" MEANS THE ONGOING ABILITY OF A LICENSEE TO LEARN, INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT TO PRACTICE AS A PROFESSIONAL COUNSELOR ACCORDING TO GENERALLY ACCEPTED INDUSTRY STANDARDS AND PROFESSIONAL ETHICAL STANDARDS IN A DESIGNATED ROLE AND SETTING.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

**SECTION 5.** Part 8 of article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-43-805. Continuing professional competency - director rules - repeal.**

(1) (a) IN ACCORDANCE WITH SECTIONS 12-43-803 AND 12-43-804, THE DIRECTOR ISSUES A LICENSE OR CERTIFICATE TO PRACTICE ADDICTION COUNSELING BASED ON WHETHER THE APPLICANT SATISFIES MINIMUM EDUCATIONAL AND EXPERIENCE REQUIREMENTS THAT DEMONSTRATE PROFESSIONAL COMPETENCY TO PRACTICE ADDICTION COUNSELING. AFTER A LICENSE OR A CERTIFICATE AS A LEVEL II OR LEVEL III ADDICTION COUNSELOR IS ISSUED TO AN APPLICANT, THE LICENSED OR LEVEL II OR LEVEL III CERTIFIED ADDICTION COUNSELOR SHALL MAINTAIN CONTINUING PROFESSIONAL COMPETENCY TO PRACTICE ADDICTION COUNSELING.

(b) THE DIRECTOR, IN CONSULTATION WITH THE ALCOHOL AND DRUG ABUSE DIVISION IN THE DEPARTMENT OF HUMAN SERVICES AND OTHER STAKEHOLDERS, SHALL ADOPT RULES ESTABLISHING A CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT A MINIMUM, THE FOLLOWING ELEMENTS:

(I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A LICENSED OR LEVEL II OR LEVEL III CERTIFIED ADDICTION COUNSELOR SEEKING TO RENEW OR REINSTATE A LICENSE;

(II) DEVELOPMENT, EXECUTION, AND DOCUMENTATION OF A LEARNING PLAN BASED ON THE ASSESSMENT; AND

(III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE AT LEAST MINIMAL ABILITY TO SAFELY PRACTICE THE PROFESSION. NOTHING IN THIS SUBPARAGRAPH (III) SHALL REQUIRE A LICENSED OR LEVEL II OR LEVEL III CERTIFIED ADDICTION COUNSELOR TO RETAKE ANY EXAMINATION REQUIRED PURSUANT TO SECTION 12-43-804 IN CONNECTION WITH INITIAL LICENSURE OR CERTIFICATION.

(c) THE DIRECTOR SHALL ESTABLISH THAT A LICENSED OR LEVEL II OR LEVEL III CERTIFIED ADDICTION COUNSELOR IS DEEMED TO SATISFY THE CONTINUING COMPETENCY REQUIREMENTS OF THIS SECTION IF THE LICENSED OR LEVEL II OR LEVEL III CERTIFIED ADDICTION COUNSELOR MEETS THE CONTINUED PROFESSIONAL COMPETENCE REQUIREMENTS OF ONE OF THE FOLLOWING ENTITIES:

(I) A STATE DEPARTMENT, INCLUDING CONTINUED PROFESSIONAL COMPETENCE REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL ARRANGEMENT WITH A PROVIDER;

(II) AN ACCREDITING BODY RECOGNIZED BY THE DIRECTOR; OR

(III) AN ENTITY APPROVED BY THE DIRECTOR.

(d) (I) AFTER THE PROGRAM IS ESTABLISHED, A LICENSED OR LEVEL II OR LEVEL III CERTIFIED ADDICTION COUNSELOR SHALL SATISFY THE REQUIREMENTS OF THE PROGRAM IN ORDER TO RENEW OR REINSTATE A LICENSE OR CERTIFICATE TO PRACTICE ADDICTION COUNSELING IN COLORADO.

(II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL ADDICTION COUNSELORS WHO ARE LICENSED OR LEVEL II OR LEVEL III CERTIFIED PURSUANT TO THIS PART 8, AND NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A PERSON WHO EMPLOYS OR CONTRACTS WITH A LICENSED OR LEVEL II OR LEVEL III CERTIFIED ADDICTION COUNSELOR TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

(2) (a) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED OR CERTIFIED ADDICTION COUNSELOR. THE RECORDS OR DOCUMENTS SHALL BE USED ONLY BY THE BOARD FOR PURPOSES OF DETERMINING WHETHER A LICENSED OR LEVEL II OR LEVEL III CERTIFIED ADDICTION COUNSELOR IS MAINTAINING CONTINUING PROFESSIONAL COMPETENCY TO ENGAGE IN THE PROFESSION.

(b) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2), NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT THE DISCOVERY OF INFORMATION OR DOCUMENTS THAT ARE OTHERWISE DISCOVERABLE UNDER THE COLORADO RULES OF CIVIL PROCEDURE IN CONNECTION WITH A CIVIL ACTION AGAINST A LICENSED OR CERTIFIED ADDICTION COUNSELOR.

(3) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL COMPETENCY" MEANS THE ONGOING ABILITY OF A LICENSED OR LEVEL II OR LEVEL III CERTIFIED ADDICTION COUNSELOR TO LEARN, INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL, AND

JUDGMENT TO PRACTICE AS AN ADDICTION COUNSELOR ACCORDING TO GENERALLY ACCEPTED INDUSTRY STANDARDS AND PROFESSIONAL ETHICAL STANDARDS IN A DESIGNATED ROLE AND SETTING.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2014.

**SECTION 6. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the continuing competency of certain mental health professionals, for the fiscal year beginning July 1, 2009, the sum of one hundred thirty-four thousand one hundred twenty-three dollars (\$134,123) cash funds and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2009, the sum of thirty thousand dollars (\$30,000) and 0.2 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

**SECTION 7. Act subject to petition - effective date - applicability.** (1) 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 5, 2009, if adjournment sine die is on May 6, 2009); 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.

(2) The provisions of this act shall apply to applications for renewals or reinstatements of licenses or certificates to engage in the practice of licensed clinical social work, licensed social work, marriage and family therapy, professional counseling, or addiction counseling submitted on or after January 1, 2011.

Approved: May 21, 2009