

CHAPTER 285

PROFESSIONS AND OCCUPATIONS

SENATE BILL 11-187

BY SENATOR(S) Newell, Boyd, Carroll, Williams S. ;
 also REPRESENTATIVE(S) Fields, Summers, Fischer, Labuda, Miklosi, Pace, Schafer S., Todd, Vigil, Williams A., Wilson.

AN ACT

CONCERNING THE CONTINUATION OF THE REGULATION OF MENTAL HEALTH PROFESSIONALS, AND, IN CONNECTION THEREWITH, CONTINUING THE STATE BOARDS OF PSYCHOLOGIST EXAMINERS, SOCIAL WORK EXAMINERS, MARRIAGE AND FAMILY THERAPIST EXAMINERS, AND LICENSED PROFESSIONAL COUNSELOR EXAMINERS, CONTINUING THE STATE GRIEVANCE BOARD, RENAMED AS THE STATE BOARD OF REGISTERED PSYCHOTHERAPISTS, CREATING THE STATE BOARD OF ADDICTION COUNSELOR EXAMINERS, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE SUNSET REVIEW AND REPORT OF STATE-REGULATED MENTAL HEALTH PROFESSIONALS, AND MAKING AN APPROPRIATION.

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

SECTION 1. 12-43-229, Colorado Revised Statutes, is amended to read:

12-43-229. Repeal of article. (1) ~~Parts 1 to 7 of~~ This article ~~are~~ IS repealed, effective ~~July 1, 2011~~ SEPTEMBER 1, 2020. Prior to such repeal, all of the boards relating to the licensing, REGISTRATION, OR CERTIFICATION of and grievances against any person licensed, registered, or ~~regulated~~ CERTIFIED 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(2) ~~The functions of the director regarding addiction counselors as set forth in part 8 of this article are repealed, effective July 1, 2011.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 2. Repeal. 24-34-104 (42) (g) and (42) (n), Colorado Revised Statutes, are repealed as follows:

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:

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

~~(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 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 3. 24-34-104 (51.5), Colorado Revised Statutes, is 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. (51.5) The following agencies, functions, or both, shall terminate on September 1, 2020:

~~(c) NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (11) OF THIS SECTION, THE FUNCTIONS OF THE BOARDS CREATED PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S., RELATING TO THE LICENSING, REGISTRATION, OR CERTIFICATION OF AND GRIEVANCES AGAINST ANY PERSON LICENSED, REGISTERED, OR CERTIFIED PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S.;~~

SECTION 4. 12-43-801, Colorado Revised Statutes, is amended to read:

12-43-801. Definitions. As used in this part 8, unless the context otherwise requires:

(1) "ADDICTION" MEANS A PERSISTENT, COMPULSIVE DEPENDENCE ON A BEHAVIOR OR SUBSTANCE, INCLUDING MOOD-ALTERING BEHAVIORS OR ACTIVITIES KNOWN AS PROCESS ADDICTIONS.

(2) "ADMINISTRATIVE SUPERVISION" MEANS OVERSIGHT OF TREATMENT AGENCY OPERATIONS, ORGANIZATION OF PEOPLE AND RESOURCES, AND IMPLEMENTATION OF POLICIES AND PROCEDURES IN A WAY THAT DIRECTS ACTIVITIES TOWARDS AGENCY GOALS AND OBJECTIVES.

(3) "APPROVED SCHOOL, COLLEGE, OR UNIVERSITY" MEANS ANY ACCREDITED INSTITUTION OF HIGHER EDUCATION OFFERING A FULL-TIME GRADUATE OR UNDERGRADUATE COURSE OF STUDY IN BEHAVIORAL HEALTH SCIENCES, SUCH AS ADDICTION COUNSELING, HUMAN SERVICES, PSYCHOLOGY, REHABILITATION, SOCIAL WORK, OR OTHER BEHAVIORAL HEALTH SCIENCES, THAT IS RECOGNIZED BY AN APPROPRIATE NATIONAL ORGANIZATION OR IS APPROVED BY THE BOARD.

(4) "BEHAVIORAL HEALTH DISORDERS" MEANS BOTH MENTAL AND SUBSTANCE USE DISORDERS.

(5) "BOARD" MEANS THE STATE BOARD OF ADDICTION COUNSELOR EXAMINERS CREATED IN SECTION 12-43-802.

(6) "CERTIFIED" MEANS CERTIFIED AS AN ADDICTION COUNSELOR CERTIFIED AT

LEVEL I, II, OR III.

(1) (7) "Certified addiction counselor" means an individual who has a certificate issued by the ~~director~~ BOARD AUTHORIZING THE INDIVIDUAL to practice addiction counseling COMMENSURATE WITH HIS OR HER CERTIFICATION LEVEL AND SCOPE OF PRACTICE.

(2) ~~"Director" means the director of the division of registrations in the department of regulatory agencies.~~

(8) "CLINICAL SUPERVISION" MEANS:

(a) THE EVALUATION AND MODIFICATION OR APPROVAL BY A SUPERVISOR OF THE CLINICAL PRACTICE OF THE PERSON BEING SUPERVISED; AND

(b) A SOURCE OF KNOWLEDGE, EXPERTISE, AND MORE ADVANCED SKILLS MADE AVAILABLE TO THE PERSON BEING SUPERVISED.

(9) "CO-OCCURRING DISORDERS" MEANS THE EXISTENCE OF ONE OR MORE SUBSTANCE USE DISORDERS, ADDICTIVE BEHAVIORAL DISORDERS, OR MENTAL DISORDERS PRESENTING CONCURRENTLY. AT THE INDIVIDUAL LEVEL, CO-OCCURRING DISORDERS EXIST WHEN AT LEAST ONE DISORDER CAN BE ESTABLISHED INDEPENDENT OF THE OTHER, AND THE DISORDERS ARE NOT SIMPLY A CLUSTER OF SYMPTOMS RESULTING FROM A SINGLE DISORDER.

(10) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD PURSUANT TO THIS PART 8 TO ENGAGE IN THE PRACTICE OF A LICENSED ADDICTION COUNSELOR.

(3) (11) ~~"Licensed addiction counselor" means a person who renders addiction counseling to an individual, group, or organization and who holds a license issued~~ LICENSED by the ~~director~~ BOARD TO PROVIDE PROFESSIONAL BEHAVIORAL HEALTH DISORDER TREATMENT.

SECTION 5. 12-43-802, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12-43-802. State board of addiction counselor examiners. (1) THERE IS HEREBY CREATED A STATE BOARD OF ADDICTION COUNSELOR EXAMINERS UNDER THE SUPERVISION AND CONTROL OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES. ONCE THE GOVERNOR APPOINTS THE BOARD MEMBERS AND THE BOARD ADOPTS NECESSARY RULES, THE BOARD IS RESPONSIBLE FOR REGULATING ADDICTION COUNSELORS PURSUANT TO THIS PART 8 AND THIS ARTICLE. THE DIRECTOR RETAINS THE AUTHORITY TO REGULATE ADDICTION COUNSELORS FOR THREE MONTHS AFTER THE DATE ON WHICH ALL MEMBERS OF THE BOARD HAVE BEEN APPOINTED, AND THE DIRECTOR'S RULES ADOPTED PURSUANT TO THIS PART 8 REMAIN IN EFFECT UNTIL THE DIRECTOR REPEALS THE RULES.

(2) THE BOARD CONSISTS OF SEVEN MEMBERS WHO ARE CITIZENS OF THE UNITED STATES AND RESIDENTS OF THE STATE OF COLORADO. BY NOVEMBER 30, 2011, THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE BOARD AS FOLLOWS:

(a) (I) FOUR BOARD MEMBERS MUST BE LICENSED OR CERTIFIED ADDICTION COUNSELORS, AND EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), AT LEAST TWO OF THESE FOUR MEMBERS MUST BE ENGAGED IN THE DIRECT PRACTICE OF ADDICTION COUNSELING. THE FOUR BOARD MEMBERS APPOINTED PURSUANT TO THIS PARAGRAPH (a) MUST INCLUDE AT LEAST ONE LICENSED ADDICTION COUNSELOR AND AT LEAST ONE CERTIFIED ADDICTION COUNSELOR.

(II) IF, AFTER A GOOD-FAITH ATTEMPT, THE GOVERNOR DETERMINES THAT A LICENSED OR CERTIFIED ADDICTION COUNSELOR WHO IS ENGAGED IN THE DIRECT PRACTICE OF ADDICTION COUNSELING IS NOT AVAILABLE TO SERVE ON THE BOARD FOR A PARTICULAR TERM, THE GOVERNOR MAY APPOINT A LICENSED OR CERTIFIED ADDICTION COUNSELOR WHO IS NOT ENGAGED IN THE DIRECT PRACTICE OF ADDICTION COUNSELING TO SERVE ON THE BOARD PURSUANT TO THIS PARAGRAPH (a).

(b) THREE BOARD MEMBERS MUST BE REPRESENTATIVES OF THE GENERAL PUBLIC, ONE OF WHOM MAY BE AN ADDICTION COUNSELING CONSUMER OR FAMILY MEMBER OF AN ADDICTION COUNSELING CONSUMER. THESE INDIVIDUALS MUST HAVE NEVER BEEN ADDICTION COUNSELORS, APPLICANTS, OR FORMER APPLICANTS FOR LICENSURE OR CERTIFICATION AS AN ADDICTION COUNSELOR, MEMBERS OF ANOTHER MENTAL HEALTH PROFESSION, MEMBERS OF HOUSEHOLDS THAT INCLUDE ADDICTION COUNSELORS OR ANY OTHER MENTAL HEALTH PROFESSIONAL, OR OTHERWISE HAVE CONFLICTS OF INTEREST OR THE APPEARANCE OF A CONFLICT WITH THEIR DUTIES AS BOARD MEMBERS.

(3) (a) EACH BOARD MEMBER SHALL HOLD OFFICE UNTIL THE EXPIRATION OF THE MEMBER'S APPOINTED TERM OR UNTIL A SUCCESSOR IS DULY APPOINTED. EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE TERM OF EACH MEMBER IS FOUR YEARS, AND A BOARD MEMBER SHALL NOT SERVE MORE THAN TWO FULL CONSECUTIVE TERMS. THE GOVERNOR SHALL FILL A VACANCY OCCURRING IN BOARD MEMBERSHIP, OTHER THAN BY EXPIRATION OF A TERM, BY APPOINTMENT FOR THE UNEXPIRED TERM OF THE MEMBER.

(b) THE INITIAL TERMS OF OFFICE OF THE MEMBERS APPOINTED TO THE BOARD AS OF JANUARY 1, 2012, ARE MODIFIED AS FOLLOWS IN ORDER TO ENSURE STAGGERED TERMS OF OFFICE:

(I) THE INITIAL TERM OF OFFICE OF ONE OF THE BOARD MEMBERS REPRESENTING THE GENERAL PUBLIC, WHOSE INITIAL TERM WOULD OTHERWISE EXPIRE ON DECEMBER 31, 2015, EXPIRES ON DECEMBER 31, 2013, AND THIS BOARD MEMBER IS ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM COMMENCING ON JANUARY 1, 2014, AND EXPIRING ON DECEMBER 31, 2017. ON AND AFTER THE EXPIRATION OF THE BOARD MEMBER'S TERM, THE TERM OF A PERSON APPOINTED TO THIS MEMBER'S POSITION ON THE BOARD IS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) COMMENCING ON JANUARY 1 OF THE APPLICABLE YEAR.

(II) THE INITIAL TERMS OF OFFICE OF TWO OF THE LICENSED OR CERTIFIED ADDICTION COUNSELOR BOARD MEMBERS, WHOSE INITIAL TERMS WOULD OTHERWISE EXPIRE ON DECEMBER 31, 2015, EXPIRE ON DECEMBER 31, 2013. THESE BOARD MEMBERS ARE ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM, COMMENCING ON JANUARY 1, 2014, AND EXPIRING ON DECEMBER 31, 2017. ON AND AFTER THE

EXPIRATION OF THESE BOARD MEMBERS' TERMS, THE TERMS OF PERSONS APPOINTED TO THE MEMBERS' POSITIONS ON THE BOARD ARE AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) COMMENCING ON JANUARY 1 OF THE APPLICABLE YEAR.

(4) THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR MISCONDUCT, INCOMPETENCE, OR NEGLIGENCE OF DUTY. ACTIONS CONSTITUTING NEGLIGENCE OF DUTY INCLUDE THE FAILURE OF BOARD MEMBERS TO ATTEND THREE CONSECUTIVE MEETINGS, OR AT LEAST THREE-FOURTHS OF THE TOTAL MEETINGS, IN ANY CALENDAR YEAR.

SECTION 6. 12-43-206.5, Colorado Revised Statutes, is amended to read:

12-43-206.5. Provisional license - fees. (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, 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~~ TERMINATES 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~~ MUST identify the name, contact information, and license number of the licensee providing supervision of the provisional licensure applicant.

(3) ~~This section is repealed, effective July 1, 2011.~~

SECTION 7. The introductory portion to 12-43-201 and 12-43-201 (1), (3), (6), (7.5), (7.7), (7.8) (b), (9), (9.3), (9.5), (9.7), and (10), Colorado Revised Statutes, are amended, and the said 12-43-201 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

(1) "Board" includes the state board of psychologist examiners, the state board of social work examiners, the state board of licensed professional counselor examiners, the state board of marriage and family therapist examiners, ~~and the state grievance board~~ BOARD OF REGISTERED PSYCHOTHERAPISTS, AND THE STATE BOARD OF ADDICTION COUNSELOR EXAMINERS.

(1.3) "CERTIFICATE HOLDER" MEANS AN ADDICTION COUNSELOR CERTIFIED PURSUANT TO THIS ARTICLE.

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

~~(3) "Grievance board" means the state grievance board created by section 12-43-702.~~

(6) "Licensee" means a psychologist, social worker, CLINICAL SOCIAL WORKER, marriage and family therapist, licensed professional counselor, or addiction counselor licensed ~~certified, or registered~~ pursuant to this article.

(7.5) "Professional relationship" means an interaction that is deliberately planned or directed, or both, by the ~~psychotherapist~~ LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER toward obtaining specific ~~psychotherapeutic~~ objectives. ~~such as those set forth in subsection (9) of this section.~~

(7.7) (a) "Provisional license" means a license OR CERTIFICATION issued pursuant to section 12-43-206.5.

~~(b) This subsection (7.7) is repealed, effective July 1, 2011.~~

~~(7.8) (b) This subsection (7.8) is repealed, effective July 1, 2011.~~

(9) (a) "Psychotherapy" means the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors ~~which~~ THAT interfere with effective emotional, social, or intellectual functioning. Psychotherapy follows a planned procedure of intervention ~~which~~ THAT takes place on a regular basis, over a period of time, or in the cases of testing, assessment, and brief psychotherapy, ~~it~~ PSYCHOTHERAPY can be a single intervention.

(b) It is the intent of the general assembly that the definition of psychotherapy as used in this ~~part 2~~ ARTICLE be interpreted in its narrowest sense to regulate only those persons who clearly fall within the definition set forth in this subsection (9).

(9.1) (a) "REGISTERED PSYCHOTHERAPIST" MEANS A PERSON:

(I) WHOSE PRIMARY PRACTICE IS PSYCHOTHERAPY OR WHO HOLDS HIMSELF OR HERSELF OUT TO THE PUBLIC AS BEING ABLE TO PRACTICE PSYCHOTHERAPY FOR COMPENSATION; AND

(II) WHO IS REGISTERED WITH THE STATE BOARD OF REGISTERED

PSYCHOTHERAPISTS PURSUANT TO SECTION 12-43-702.5 TO PRACTICE PSYCHOTHERAPY IN THIS STATE.

(b) "REGISTERED PSYCHOTHERAPIST" ALSO INCLUDES A PERSON WHO:

(I) IS A LICENSED SCHOOL PSYCHOLOGIST LICENSED PURSUANT TO SECTION 22-60.5-210 (1) (b), C.R.S.;

(II) IS PRACTICING OUTSIDE OF A SCHOOL SETTING; AND

(III) IS REGISTERED WITH THE STATE BOARD OF REGISTERED PSYCHOTHERAPISTS PURSUANT TO SECTION 12-43-702.5.

(9.3) "Registrant" means a psychologist candidate, MARRIAGE AND FAMILY THERAPIST CANDIDATE, OR LICENSED PROFESSIONAL COUNSELOR CANDIDATE registered pursuant to ~~this article~~ SECTION 12-43-304 (7), 12-43-504 (5), OR 12-43-603 (5), RESPECTIVELY, OR A REGISTERED PSYCHOTHERAPIST.

(9.5) "~~Regulated~~" means a person who is listed in the state grievance board data base.

(9.7) "~~School psychologist~~" means a person who practices psychotherapy and who is a school psychologist licensed pursuant to the provisions of section 22-60.5-210, C.R.S.

(10) "~~Unlicensed psychotherapist~~" means any person whose primary practice is psychotherapy or who holds himself or herself out to the public as being able to practice psychotherapy for compensation and who is not licensed under this title to practice psychotherapy. "~~Unlicensed psychotherapist~~" also means a person who is a licensed school psychologist licensed pursuant to section 22-60.5-210 (1) (b), C.R.S., and who is practicing outside of a school setting.

SECTION 8. The introductory portion to 12-43-504 (1) and 12-43-504 (1) (b), (1) (e), and (4), Colorado Revised Statutes, are amended, and the said 12-43-504 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-43-504. Qualifications - examination - licensure and registration. (1) The board shall issue a license as a marriage and family therapist to each applicant who files an application ~~upon~~ IN a form and ~~in such~~ manner ~~as~~ REQUIRED BY the board, ~~prescribes,~~ accompanied by a SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO section 12-43-204, and ~~who~~ furnishes evidence satisfactory to the board that he or she:

(b) Is not in violation of any ~~of the provisions~~ PROVISION of this article or ~~the~~ ANY rule ~~and regulations~~ adopted under this article;

(e) ~~Has demonstrated~~ DEMONSTRATES professional competence by passing an examination in marriage and family therapy prescribed by the board and a ~~written,~~ ~~mail-in~~ jurisprudence examination administered by the ~~department of regulatory agencies~~ DIVISION.

(4) The board or its designated representatives shall administer and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the examination and ~~shall~~ take any actions necessary to ensure impartiality. The BOARD SHALL DETERMINE THE passing score for the examination ~~shall be determined by the board~~ based upon a level of minimum competency to engage in marriage and family therapy practice.

(5) (a) THE BOARD SHALL REGISTER AS A MARRIAGE AND FAMILY THERAPIST CANDIDATE A PERSON WHO:

(I) FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED BY THE FEE AS REQUIRED BY SECTION 12-43-204;

(II) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE MEETS THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (c) OF SUBSECTION (1) OF THIS SECTION; AND

(III) HAS NOT BEEN PREVIOUSLY REGISTERED AS A MARRIAGE AND FAMILY THERAPIST CANDIDATE BY THE BOARD.

(b) A MARRIAGE AND FAMILY THERAPIST CANDIDATE WHO REGISTERS WITH THE BOARD PURSUANT TO THIS SUBSECTION (5) IS UNDER THE JURISDICTION OF THE BOARD AND IS NOT REQUIRED TO REGISTER WITH THE DATABASE OF REGISTERED PSYCHOTHERAPISTS PURSUANT TO SECTION 12-43-702.5.

(c) IF A CANDIDATE DOES NOT MEET THE REQUIREMENTS OF PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF THIS SECTION WITHIN FOUR YEARS AFTER INITIAL REGISTRATION, THE CANDIDATE'S REGISTRATION EXPIRES AND IS NOT RENEWABLE, UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A PERSON WHOSE MARRIAGE AND FAMILY THERAPIST CANDIDATE REGISTRATION EXPIRES IS NOT PRECLUDED FROM APPLYING TO THIS BOARD OR TO ANY OTHER BOARD FOR LICENSURE OR REGISTRATION IN A MENTAL HEALTH PROFESSION FOR WHICH THE PERSON IS QUALIFIED.

SECTION 9. The introductory portion to 12-43-603 (1) and 12-43-603 (1) (b), (1) (d), (1) (e), and (4), Colorado Revised Statutes, are amended, and the said 12-43-603 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-43-603. Licensure - examination - licensed professional counselors.

(1) The board shall issue a license as a licensed professional counselor to each applicant who files an application ~~upon~~ IN a form and ~~in such a manner as~~ REQUIRED BY the board, ~~prescribes, accompanied by a~~ SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO section 12-43-204, and ~~who~~ furnishes evidence satisfactory to the board that he or she:

(b) Is not in violation of any ~~of the provisions~~ PROVISION of this article ~~and the rules and regulations~~ OR ANY RULE adopted under this article;

(d) Has at least two years of post-master's practice or one year of postdoctoral practice in ~~applied psychotherapy~~ LICENSED PROFESSIONAL COUNSELING under supervision approved by the board; and

(e) ~~Has demonstrated~~ DEMONSTRATES professional competence by passing an examination in professional counseling demonstrating special knowledge and skill in ~~applied psychotherapy~~ LICENSED PROFESSIONAL COUNSELING as prescribed by the board and a ~~written, mail-in~~ jurisprudence examination administered by the ~~department of regulatory agencies~~ DIVISION.

(4) The board or its designated representatives shall administer and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the examination and ~~shall~~ take any actions necessary to ensure impartiality. The BOARD SHALL DETERMINE THE passing score for the examination ~~shall be determined by the board~~ based upon a level of minimum competency to engage in the practice of licensed professional counseling.

(5) (a) THE BOARD SHALL REGISTER AS A LICENSED PROFESSIONAL COUNSELOR CANDIDATE A PERSON WHO:

(I) FILES AN APPLICATION FOR REGISTRATION, ACCOMPANIED BY THE FEE AS REQUIRED BY SECTION 12-43-204;

(II) SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE MEETS THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (c) OF SUBSECTION (1) OF THIS SECTION; AND

(III) HAS NOT BEEN PREVIOUSLY REGISTERED AS A LICENSED PROFESSIONAL COUNSELOR CANDIDATE BY THE BOARD.

(b) A LICENSED PROFESSIONAL COUNSELOR CANDIDATE WHO REGISTERS WITH THE STATE BOARD OF LICENSED PROFESSIONAL COUNSELOR EXAMINERS PURSUANT TO THIS SUBSECTION (5) IS UNDER THE JURISDICTION OF THE BOARD AND IS NOT REQUIRED TO REGISTER WITH THE DATABASE OF REGISTERED PSYCHOTHERAPISTS PURSUANT TO SECTION 12-43-702.5.

(c) IF A CANDIDATE DOES NOT MEET THE REQUIREMENTS OF PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF THIS SECTION WITHIN FOUR YEARS AFTER INITIAL REGISTRATION, THE CANDIDATE'S REGISTRATION EXPIRES AND IS NOT RENEWABLE, UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A PERSON WHOSE LICENSED PROFESSIONAL COUNSELOR CANDIDATE REGISTRATION EXPIRES IS NOT PRECLUDED FROM APPLYING TO THIS BOARD OR TO ANY OTHER BOARD FOR LICENSURE OR REGISTRATION IN A MENTAL HEALTH PROFESSION FOR WHICH THE PERSON IS QUALIFIED.

SECTION 10. 12-43-701 (1), (3), and (4), Colorado Revised Statutes, are amended to read:

12-43-701. Definitions. As used in this part 7, unless the context otherwise requires:

(1) "~~Grievance~~ "Board" means the state ~~grievance~~ board OF REGISTERED PSYCHOTHERAPISTS created by section 12-43-702.

(3) "~~Psychotherapy~~" means the ~~treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist planned procedure of intervention~~

~~which takes place on a regular basis, over a period of time. It is the intent of the general assembly that the definition of psychotherapy as used in this part 7 be interpreted in its narrowest sense to regulate only those persons who clearly fall within the definition set forth in this subsection (3).~~

~~(4) "Unlicensed psychotherapist" means any person whose primary practice is psychotherapy or who holds himself or herself out to the public as being able to practice psychotherapy for compensation and who is not licensed under this title to practice psychotherapy. "Unlicensed psychotherapist" also means a person who is a school psychologist licensed pursuant to section 22-60.5-210 (1) (b), C.R.S., and who is practicing outside of a school setting.~~

SECTION 11. 12-43-702.5, Colorado Revised Statutes, is amended to read:

12-43-702.5. Database of registered psychotherapists - unauthorized practice - penalties - data collection. (1) ~~The grievance board~~ STATE BOARD OF REGISTERED PSYCHOTHERAPISTS shall maintain a ~~data base~~ DATABASE of all ~~unlicensed persons practicing psychotherapy in this state~~ REGISTERED PSYCHOTHERAPISTS. The ~~grievance~~ board shall charge a fee in the same manner as authorized in section 24-34-105, C.R.S., for recording information in the ~~data base~~ DATABASE as required by this section. Information in the ~~data base~~ DATABASE maintained pursuant to this section ~~shall be~~ IS open to public inspection at all times.

(2) ~~Any unlicensed psychotherapist~~ PERSON NOT OTHERWISE LICENSED, REGISTERED, OR CERTIFIED PURSUANT TO THIS ARTICLE WHO IS PRACTICING PSYCHOTHERAPY IN THIS STATE shall ~~record such therapist's~~ REGISTER WITH THE BOARD BY SUBMITTING HIS OR HER name, current address, educational qualifications, disclosure statements, therapeutic orientation or methodology, or both, and years of experience in each specialty area. ~~with~~ UPON RECEIPT AND REVIEW OF THE REQUIRED INFORMATION, the ~~grievance~~ board ~~for inclusion~~ MAY APPROVE THE PSYCHOTHERAPIST FOR REGISTRATION in the ~~data base~~ DATABASE required by subsection (1) of this section. ~~Unlicensed psychotherapists~~ A REGISTERED PSYCHOTHERAPIST shall ~~be required to update such~~ THIS information ~~at least annually~~ UPON RENEWAL OF HIS OR HER REGISTRATION and at ~~such~~ other times and under ~~such~~ conditions as SPECIFIED BY the ~~grievance~~ board ~~shall prescribe~~ by rule. ~~and regulation.~~ At the time of recording the information required by this section, the ~~unlicensed~~ REGISTERED psychotherapist shall indicate whether ~~or not the unlicensed psychotherapist~~ HE OR SHE has been convicted of, or entered a plea of guilty or a plea of nolo contendere to, any felony or misdemeanor. ~~Unlicensed psychotherapists recording the information required by this section shall be given a copy of the statutes and a copy of the state grievance board rules.~~

(3) ~~No~~ AN unlicensed person ~~may~~ WHOSE PRIMARY PRACTICE IS PSYCHOTHERAPY OR WHO HOLDS HIMSELF OR HERSELF OUT TO THE PUBLIC AS ABLE TO PRACTICE PSYCHOTHERAPY FOR COMPENSATION SHALL NOT practice psychotherapy ~~if such~~ UNLESS THE person is ~~not~~ REGISTERED WITH THE BOARD AND included in the ~~data base~~ DATABASE required by this section. Notwithstanding the requirements of this section, ~~no unlicensed~~ A REGISTERED psychotherapist ~~may~~ SHALL NOT use the term "~~registered~~", "~~regulated~~" "LICENSED", "certified", "clinical", "~~state-registered~~", "state-approved", or any other term or abbreviation that would falsely give the impression that the psychotherapist or the service that is being provided is

recommended by the state, based solely on inclusion in the ~~data-base~~ DATABASE.

(4) ~~No person may be listed by The grievance board~~ STATE BOARD OF REGISTERED PSYCHOTHERAPISTS SHALL NOT REGISTER A PERSON pursuant to this section unless ~~such~~ THE person has successfully completed a ~~written, mail-in~~ jurisprudence examination developed and approved by the ~~department of regulatory agencies~~ DIVISION.

(5) Any unlicensed person who practices psychotherapy without first complying with the ~~recording~~ REGISTRATION requirements of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

SECTION 12. The introductory portion to 12-43-304 (1) and 12-43-304 (1) (b), (1) (e), (1.5) (c), and (7), Colorado Revised Statutes, are amended to read:

12-43-304. Qualifications - examinations - licensure. (1) The board shall issue a license as a psychologist ~~and issue an appropriate license certificate,~~ to each applicant who files an application ~~upon~~ IN a form and ~~in such manner as~~ REQUIRED BY the board, ~~prescribes,~~ accompanied by ~~such~~ SUBMITS THE fee ~~as is~~ required by the board PURSUANT TO SECTION 12-43-204, and ~~who~~ furnishes evidence satisfactory to the board that he or she:

(b) Is not in violation of any of the provisions of this part 3 and the PROVISION OF THIS ARTICLE OR ANY rules promulgated by the board;

(e) ~~Has demonstrated~~ DEMONSTRATES professional competence by passing a single, written examination in psychology as prescribed by the board and a ~~written, mail-in~~ jurisprudence examination administered by the ~~department of regulatory agencies~~ DIVISION.

(1.5) (c) The board or its designated representatives shall administer and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the examination and ~~shall~~ take any actions necessary to ensure impartiality. The BOARD SHALL DETERMINE THE passing score for the examination ~~shall be determined by the board~~ based upon a level of minimum competency to engage in the practice of psychology.

(7) (a) The board shall register as a psychologist candidate a person who files an application ~~therefor~~ FOR REGISTRATION, accompanied by ~~such~~ THE fee ~~as is~~ required by section 12-43-204, AND who:

(I) Submits evidence satisfactory to the board that he or she has met the requirements of paragraphs (a), (b), and (c) of subsection (1) of this section; and ~~who~~

(II) Has not been previously registered as a psychologist candidate by the board.

(b) ~~Such candidate~~ A PSYCHOLOGIST CANDIDATE REGISTERED PURSUANT TO THIS SUBSECTION (7) is not required to register with the database of ~~unlicensed~~ REGISTERED psychotherapists PURSUANT TO SECTION 12-43-702.5, and ~~shall be~~ IS

under the jurisdiction of the state board of psychologist examiners. ~~A person shall complete the requirements of paragraphs (d) and (e) of subsection (1) of this section within four years after initial registration with the psychology board. If such~~ THE requirements OF PARAGRAPHS (d) AND (e) OF SUBSECTION (1) OF THIS SECTION are not met within four years, the registration of the psychologist candidate ~~shall expire~~ EXPIRES AND IS NOT RENEWABLE UNLESS THE BOARD, IN ITS DISCRETION, GRANTS THE CANDIDATE AN EXTENSION. A person whose psychologist candidate registration ~~has expired shall not be~~ EXPIRES IS NOT precluded from applying for licensure or registration with any other mental health board for which the person is qualified.

SECTION 13. The introductory portion to 12-43-404 (1), 12-43-404 (1) (c), the introductory portion to 12-43-404 (2), and 12-43-404 (2) (c), (2) (d), and (2.5), Colorado Revised Statutes, are amended to read:

12-43-404. Qualifications - examination - licensure and registration. (1) The board shall license as a licensed social worker ~~and issue an appropriate certificate to;~~ any person who files an application ~~therefor, accompanied by such~~ IN A FORM AND MANNER REQUIRED BY THE BOARD, SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO section 12-43-204, and ~~who~~ submits evidence satisfactory to the board that he or she:

(c) Demonstrates professional competence by satisfactorily passing an examination in social work AS PRESCRIBED BY THE BOARD and a ~~written, mail-in~~ jurisprudence examination administered by the ~~department of regulatory agencies~~ DIVISION.

(2) The board shall license as a licensed clinical social worker ~~and issue an appropriate certificate to;~~ any person who files an application, ~~therefor, accompanied by such~~ IN A FORM AND MANNER REQUIRED BY THE BOARD, SUBMITS THE fee ~~as is~~ required by THE BOARD PURSUANT TO section 12-43-204, and ~~who~~ submits evidence satisfactory to the board that he or she:

(c) Has practiced social work for at least two years under the supervision of a licensed clinical social worker, WHICH PRACTICE INCLUDES TRAINING AND WORK EXPERIENCE IN THE AREA OF CLINICAL SOCIAL WORK PRACTICE; and

(d) Demonstrates professional competence by satisfactorily passing an examination in social work as prescribed by the board and a ~~written, mail-in~~ jurisprudence examination administered by the ~~department of regulatory agencies~~ DIVISION.

(2.5) (a) The BOARD OR ITS DESIGNATED REPRESENTATIVE SHALL GIVE THE examination ~~by the board~~ described in paragraph (c) of subsection (1) of this section and in paragraph (d) of subsection (2) of this section ~~shall be given not less than~~ AT LEAST twice per year at ~~such~~ A time and place and under ~~such~~ THE supervision as DETERMINED BY the board. ~~may determine.~~

(b) The board or its designated representatives shall administer and ~~score~~ DETERMINE THE PASS OR FAIL STATUS OF the examination and ~~shall~~ take any actions necessary to ensure impartiality. The BOARD SHALL DETERMINE THE passing score for the examination ~~shall be determined by the board~~ based upon a level of

minimum competency to engage in social work practice.

SECTION 14. The introductory portion to 12-43-222 (1) and 12-43-222 (1) (a), (1) (e), (1) (f), (1) (g), (1) (q), (1) (t) (I), (1) (t) (III), (1) (v), (1) (w), and (2), Colorado Revised Statutes, are amended, and the said 12-43-222 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-43-222. Prohibited activities - related provisions. (1) A person licensed, registered, OR certified ~~or regulated~~ under ~~part 3, 4, 5, 6, 7, or 8~~ of this article ~~is in violation of~~ VIOLATES this article if ~~such~~ THE person:

(a) Has been convicted of OR PLED GUILTY OR NOLO CONTENDERE TO a felony ~~or has had accepted by a court a plea of guilty or nolo contendere to a felony if the felony is related to the ability to practice under this article~~ OR RECEIVED A DEFERRED SENTENCE TO A FELONY CHARGE. A certified copy of the judgment of a court of competent jurisdiction of such conviction or plea ~~shall be~~ IS conclusive evidence of ~~such~~ THE conviction or plea. In considering the disciplinary action, each board ~~shall be~~ IS governed by ~~the provisions of~~ section 24-5-101, C.R.S.

(e) ~~Is~~ Habitually ~~intemperate~~ or excessively uses ~~any~~ OR ABUSES ALCOHOL, A habit-forming drug, or ~~is a habitual user of any~~ A 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 part 3, 4, 5, 6, 7, or 8 of this article;~~

(f) (I) ~~Has~~ FAILS TO NOTIFY THE BOARD THAT REGULATES HIS OR HER PROFESSION OF a physical or mental ~~disability~~ ILLNESS OR CONDITION that ~~renders such person unable~~ AFFECTS THE PERSON'S ABILITY to treat clients with reasonable skill and safety or that may endanger the health or safety of persons under ~~such person's~~ HIS OR HER care;

(II) FAILS TO ACT WITHIN THE LIMITATIONS CREATED BY A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE PERSON UNABLE TO TREAT CLIENTS WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER CARE; OR

(III) FAILS TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION 12-43-221.5;

(g) (I) Has acted or failed to act in a manner that does not meet the generally accepted standards of the professional discipline under which ~~such~~ THE person practices. GENERALLY ACCEPTED STANDARDS MAY INCLUDE, AT THE BOARD'S DISCRETION, THE STANDARDS OF PRACTICE GENERALLY RECOGNIZED BY STATE AND NATIONAL ASSOCIATIONS OF PRACTITIONERS IN THE FIELD OF THE PERSON'S PROFESSIONAL DISCIPLINE.

(II) A certified copy of a malpractice judgment of a court of competent jurisdiction ~~shall be~~ IS conclusive evidence ~~of such~~ THAT THE act or omission DOES NOT MEET GENERALLY ACCEPTED STANDARDS OF THE PROFESSIONAL DISCIPLINE, but evidence of ~~such~~ THE act or omission ~~shall~~ IS not ~~be~~ limited to a malpractice judgment.

(q) Has offered or given commissions, rebates, or other forms of remuneration for the referral of clients; ~~Notwithstanding this provision,~~ EXCEPT THAT a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER may pay an independent advertising or marketing agent compensation for advertising or marketing services rendered on ~~such~~ THE person's behalf by such agent, including compensation that is paid for the results of performance of such services on a per-patient basis;

(t) Has engaged in any of the following activities and practices:

(I) ~~Willful and Repeated ordering or performance without clinical justification,~~ OF PERFORMING demonstrably unnecessary laboratory tests or studies WITHOUT CLINICAL JUSTIFICATION FOR THE TESTS OR STUDIES;

(III) Ordering or performing ~~without clinical justification,~~ any service ~~X-ray,~~ or treatment that is contrary to the generally accepted standards of ~~such~~ THE person's practice ~~or~~ AND IS WITHOUT CLINICAL JUSTIFICATION;

(v) Has committed a fraudulent insurance act, as set forth in section 10-1-128, C.R.S.; ~~or~~

(w) Has sold or fraudulently obtained or furnished a license, REGISTRATION, OR certification ~~or registration~~ to practice as a PSYCHOLOGIST, social worker, marriage and family therapist, LICENSED professional counselor, ~~psychologist,~~ PSYCHOTHERAPIST, or addiction counselor or has aided or abetted ~~therein~~ IN SUCH ACTIVITIES; OR

(x) HAS FAILED TO RESPOND, IN THE MANNER REQUIRED BY THE BOARD, TO A COMPLAINT FILED WITH OR BY THE BOARD AGAINST THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER.

(2) A disciplinary action relating to a license, registration, OR certification ~~or listing~~ to practice a profession licensed, registered, OR certified ~~or listed~~ under ~~part 3, 4, 5, 6, 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~~ CONSTITUTES prima facie evidence of grounds for disciplinary action, including denial of licensure, REGISTRATION, OR CERTIFICATION, by a board. ~~or the director.~~ This subsection (2) ~~shall apply~~ APPLIES only to disciplinary actions based upon acts or omissions in such other state, territory, or country substantially similar to those ACTS OR OMISSIONS set out as grounds for disciplinary action pursuant to subsection (1) of this section.

SECTION 15. 12-43-223 (1) and (3), Colorado Revised Statutes, are amended to read:

12-43-223. Authority of boards - cease-and-desist orders - rules. (1) (a) If a licensee, registrant, or ~~unlicensed psychotherapist has violated~~ CERTIFICATE HOLDER VIOLATES any ~~of the provisions~~ PROVISION of section 12-43-222, the board that licenses, registers, or ~~regulates such~~ CERTIFIES THE licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER may:

(I) Deny, revoke, or suspend ~~any~~ THE PERSON'S license, ~~or~~ registration, or

CERTIFICATION;

(II) DENY, REVOKE, OR SUSPEND the listing of ~~any unlicensed~~ A REGISTERED psychotherapist in the ~~grievance board data base~~ STATE BOARD OF REGISTERED PSYCHOTHERAPISTS DATABASE;

(III) Issue a letter of admonition to a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER;

(IV) Issue a confidential letter of concern to a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER;

(V) Place a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER on probation; or

(VI) Apply for an injunction pursuant to section 12-43-227 to enjoin a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER from practicing the profession for which ~~such~~ THE person is licensed, registered, or ~~regulated~~ CERTIFIED under this article.

(b) WHEN A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER VIOLATES AN ADMINISTRATIVE REQUIREMENT OF THIS ARTICLE, THE BOARD REGULATING THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER MAY IMPOSE AN ADMINISTRATIVE FINE ON THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER, NOT TO EXCEED FIVE THOUSAND DOLLARS PER VIOLATION. EACH BOARD SHALL ADOPT RULES ESTABLISHING A SCHEDULE OF FINES SETTING FORTH DIFFERENT LEVELS OF FINES BASED ON WHETHER THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER HAS COMMITTED A SINGLE VIOLATION OR SUBSEQUENT VIOLATIONS OF ADMINISTRATIVE REQUIREMENTS.

(3) ~~If an unlicensed psychotherapist violates any of the provisions of section 12-43-222, the grievance board may refuse to include, or permanently or for a set period of time strike the name of such psychotherapist from, the data base maintained pursuant to section 12-43-702.5, issue a letter of admonition to such unlicensed psychotherapist, place such unlicensed psychotherapist on probation, or apply for an injunction pursuant to section 12-43-227 to enjoin such unlicensed psychotherapist from practicing psychotherapy.~~

SECTION 16. Part 2 of article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

12-43-221.5. Confidential agreement to limit practice - violation grounds for discipline. (1) IF A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER HAS A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE PERSON UNABLE TO PRACTICE HIS OR HER MENTAL HEALTH PROFESSION WITH REASONABLE SKILL AND WITH SAFETY TO CLIENTS, THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SHALL NOTIFY THE BOARD THAT REGULATES HIS OR HER PROFESSION OF THE ILLNESS OR CONDITION IN A MANNER AND WITHIN A PERIOD DETERMINED BY HIS OR HER OVERSIGHT BOARD. THE APPLICABLE BOARD MAY REQUIRE THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER TO SUBMIT TO AN EXAMINATION OR REFER THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER TO A PEER HEALTH

ASSISTANCE PROGRAM, IF SUCH PROGRAM EXISTS, TO EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON THE LICENSEE'S, REGISTRANT'S, OR CERTIFICATE HOLDER'S ABILITY TO PRACTICE WITH REASONABLE SKILL AND WITH SAFETY TO CLIENTS.

(2) (a) UPON DETERMINING THAT A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED SERVICES WITH REASONABLE SKILL AND WITH SAFETY TO CLIENTS, THE APPLICABLE BOARD MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IN WHICH THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR CONDITION, AS DETERMINED BY THE APPLICABLE BOARD.

(b) AS PART OF THE AGREEMENT, THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED APPROPRIATE BY THE APPLICABLE BOARD. THE BOARD MAY REFER THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER TO A PEER ASSISTANCE HEALTH PROGRAM, IF ONE EXISTS, FOR REEVALUATION OR MONITORING.

(c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF MONITORING.

(3) BY ENTERING INTO AN AGREEMENT WITH THE APPLICABLE BOARD PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS NOT ENGAGING IN ACTIVITIES PROHIBITED PURSUANT TO SECTION 12-43-222. THE AGREEMENT DOES NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE APPLICABLE BOARD. HOWEVER, IF THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE FAILURE CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION 12-43-222 (1) (f), AND THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-43-223.

(4) THIS SECTION DOES NOT APPLY TO A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES AS DESCRIBED IN SECTION 12-43-222 (1) (e).

12-43-227.5. Mental health professional peer health assistance program - fees - administration - rules. (1) (a) ON AND AFTER JULY 1, 2012, AS A CONDITION OF LICENSURE, REGISTRATION, OR CERTIFICATION AND RENEWAL IN THIS STATE, EVERY PERSON APPLYING FOR A NEW LICENSE, REGISTRATION, OR CERTIFICATION OR TO RENEW HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATION SHALL PAY A FEE, FOR USE BY THE ADMINISTERING ENTITY SELECTED BY THE DIRECTOR PURSUANT TO THIS SUBSECTION (1), IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE DOLLARS PER APPLICATION FOR A NEW OR TO RENEW A LICENSE, REGISTRATION, OR CERTIFICATION. THE DIRECTOR MAY ADJUST THE MAXIMUM FEE AMOUNT ON JANUARY 1, 2013, AND ANNUALLY THEREAFTER TO REFLECT CHANGES IN THE UNITED STATES BUREAU OF STATISTICS CONSUMER PRICE INDEX FOR THE DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX. THE FEE SHALL BE

FORWARDED TO THE CHOSEN ADMINISTERING ENTITY FOR USE IN SUPPORTING DESIGNATED PROVIDERS SELECTED TO PROVIDE ASSISTANCE TO LICENSEES, REGISTRANTS, OR CERTIFICATE HOLDERS NEEDING HELP IN DEALING WITH PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS THAT MAY BE DETRIMENTAL TO THEIR ABILITY TO PRACTICE THEIR MENTAL HEALTH PROFESSION.

(b) THE DIRECTOR, IN CONSULTATION WITH THE BOARDS, SHALL SELECT ONE OR MORE PEER HEALTH ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. FOR PURPOSES OF SELECTING DESIGNATED PROVIDERS, THE DIRECTOR SHALL USE A COMPETITIVE BIDDING PROCESS THAT ENCOURAGES PARTICIPATION FROM INTERESTED VENDORS. TO BE ELIGIBLE FOR DESIGNATION, A PEER HEALTH ASSISTANCE PROGRAM MUST:

(I) PROVIDE FOR THE EDUCATION OF MENTAL HEALTH PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND PROVIDE FOR INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES ESTABLISHED BY THE BOARD BY RULE;

(II) OFFER ASSISTANCE TO A MENTAL HEALTH PROFESSIONAL IN IDENTIFYING PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS;

(III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS AND REFER THE MENTAL HEALTH PROFESSIONAL FOR APPROPRIATE TREATMENT;

(IV) MONITOR THE STATUS OF A MENTAL HEALTH PROFESSIONAL WHO HAS BEEN REFERRED FOR TREATMENT;

(V) PROVIDE COUNSELING AND SUPPORT FOR THE MENTAL HEALTH PROFESSIONAL AND FOR THE FAMILY OF ANY MENTAL HEALTH PROFESSIONAL REFERRED FOR TREATMENT;

(VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND

(VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED, REGISTERED, OR CERTIFIED MENTAL HEALTH PROFESSIONALS.

(c) THE DIRECTOR MAY SELECT AN ENTITY TO ADMINISTER THE MENTAL HEALTH PROFESSIONAL PEER ASSISTANCE PROGRAM. AN ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE FOUNDATION THAT IS QUALIFIED UNDER SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT IS DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT, EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO MENTAL HEALTH PROFESSIONS, MENTAL HEALTH PROFESSIONAL EDUCATION, MENTAL HEALTH RESEARCH AND SCIENCE, AND OTHER MENTAL HEALTH CHARITABLE PURPOSES.

(d) THE ADMINISTERING ENTITY SHALL:

(I) DISTRIBUTE THE MONEYS COLLECTED BY THE DIVISION, LESS EXPENSES, TO THE DESIGNATED PROVIDER, AS DIRECTED BY THE DIRECTOR;

(II) PROVIDE AN ANNUAL ACCOUNTING TO THE DIVISION OF ALL AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED; AND

(III) POST A SURETY PERFORMANCE BOND IN AN AMOUNT SPECIFIED BY THE DIRECTOR TO SECURE PERFORMANCE UNDER THE REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN PERCENT OF THE TOTAL AMOUNT COLLECTED.

(e) THE DIVISION SHALL COLLECT THE REQUIRED ANNUAL PAYMENTS PAYABLE TO THE ADMINISTERING ENTITY FOR THE BENEFIT OF THE ADMINISTERING ENTITY AND SHALL TRANSFER ALL SUCH PAYMENTS TO THE ADMINISTERING ENTITY. ALL REQUIRED ANNUAL PAYMENTS COLLECTED OR DUE FOR EACH FISCAL YEAR ARE CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, AND THE DISTRIBUTION OF PAYMENTS TO THE ADMINISTERING ENTITY OR EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) (a) ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED BY THE APPLICABLE BOARD TO A PEER HEALTH ASSISTANCE PROGRAM SHALL ENTER INTO A STIPULATION WITH THE BOARD PURSUANT TO SECTION 12-43-223 (6) BEFORE PARTICIPATING IN THE PROGRAM. THE AGREEMENT MUST CONTAIN SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE PARTICIPANT, INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A PROVISION THAT A FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS ARE TO BE PROMPTLY REPORTED TO THE BOARD AND THAT SUCH FAILURE WILL RESULT IN DISCIPLINARY ACTION BY THE BOARD.

(b) NOTWITHSTANDING SECTIONS 12-43-223, 12-43-224, AND 24-4-104, C.R.S., THE APPLICABLE BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OF ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED TO A PEER HEALTH ASSISTANCE PROGRAM BY THE BOARD AND WHO FAILS TO ATTEND OR TO COMPLETE THE PROGRAM. IF THE MENTAL HEALTH PROFESSIONAL OBJECTS TO THE SUSPENSION, HE OR SHE MAY SUBMIT A WRITTEN REQUEST TO THE BOARD FOR A FORMAL HEARING ON THE SUSPENSION WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST. IN THE HEARING, THE MENTAL HEALTH PROFESSIONAL BEARS THE BURDEN OF PROVING THAT HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATION SHOULD NOT BE SUSPENDED.

(c) ANY MENTAL HEALTH PROFESSIONAL WHO SELF-REFERS AND IS ACCEPTED INTO A PEER HEALTH ASSISTANCE PROGRAM SHALL AFFIRM THAT, TO THE BEST OF HIS OR HER KNOWLEDGE, INFORMATION, AND BELIEF, HE OR SHE KNOWS OF NO INSTANCE IN WHICH HE OR SHE HAS VIOLATED THIS ARTICLE OR THE RULES OF THE BOARD, EXCEPT IN THOSE INSTANCES AFFECTED BY THE MENTAL HEALTH PROFESSIONAL'S PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS.

(3) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE DIRECTOR, DIVISION, OR THE STATE OF COLORADO FOR THEIR ACTIONS IN MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO CIVIL ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE BOARD, DIRECTOR, DIVISION, OR THE STATE FOR AN

INJURY ALLEGED TO HAVE BEEN THE RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER, THE STATE REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., IF AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM OCCURRED WHILE SUCH MENTAL HEALTH PROFESSIONAL WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE STATE.

(4) THE BOARDS MAY PROMULGATE RULES NECESSARY TO IMPLEMENT THIS SECTION. THE BOARDS AND THE DIRECTOR SHALL SEEK AND OBTAIN INPUT FROM REPRESENTATIVES OF EACH TYPE OF MENTAL HEALTH PROFESSIONAL REGULATED UNDER THIS ARTICLE IN THE DEVELOPMENT OF THE PEER HEALTH ASSISTANCE PROGRAM AND RELATED RULES.

(5) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR, PSYCHOTHERAPIST, OR ADDICTION COUNSELOR REGULATED UNDER THIS ARTICLE.

SECTION 17. 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, professional counseling, PSYCHOTHERAPY, 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, A STATE BOARD OF REGISTERED PSYCHOTHERAPISTS, AND A STATE BOARD OF ADDICTION COUNSELOR EXAMINERS with the authority to license, REGISTER, OR CERTIFY, and take disciplinary actions or bring injunctive actions, or both, concerning licensed psychologists AND psychologist candidates, licensed social workers, licensed marriage and family therapists and MARRIAGE AND FAMILY THERAPIST CANDIDATES, licensed professional counselors AND LICENSED PROFESSIONAL COUNSELOR CANDIDATES, REGISTERED PSYCHOTHERAPISTS, AND LICENSED AND CERTIFIED ADDICTION 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, AND MENTAL HEALTH PROFESSIONALS WHO HAVE BEEN ISSUED A PROVISIONAL LICENSE PURSUANT TO THIS ARTICLE.~~

SECTION 18. 12-43-202, Colorado Revised Statutes, is amended to read:

12-43-202. Practice outside of or beyond professional training, experience, or competence - general scope of practice for licensure, registration, or certification. (1) Notwithstanding any other provision of this article, no licensee, registrant, OR certificate holder ~~or unlicensed psychotherapist~~ is authorized to practice outside of or beyond his or her area of training, experience, or competence.

(2) THE PRACTICE OF PSYCHOTHERAPY IS ONE AREA OF PRACTICE FOR MENTAL HEALTH PROFESSIONALS LICENSED, CERTIFIED, OR REGISTERED PURSUANT TO THIS ARTICLE BUT MAY NOT BE THE ONLY OR PRIMARY PRACTICE AREA OF SUCH PROFESSIONALS, OTHER THAN PERSONS REGISTERED AS PSYCHOTHERAPISTS PURSUANT TO PART 7 OF THIS ARTICLE. THE REQUIREMENTS FOR LICENSURE, REGISTRATION, OR CERTIFICATION AS A MENTAL HEALTH PROFESSIONAL PURSUANT TO THIS ARTICLE ARE CONTAINED IN SECTIONS 12-43-303, 12-43-403, 12-43-503, 12-43-602.5, AND 12-43-803, WHICH DEFINE THE PRACTICE OF PSYCHOLOGY, SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, LICENSED PROFESSIONAL COUNSELING, AND ADDICTION COUNSELING, RESPECTIVELY.

SECTION 19. 12-43-203 (2) (a), (3.5), (4), (7), and (11) (a), Colorado Revised Statutes, are amended, and the said 12-43-203 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-43-203. Boards - meetings - duties - powers - removal of members - immunity. (2) (a) (I) Each board shall annually hold a meeting and elect from its membership a chairperson and vice-chairperson. Each board shall meet at such times as it deems necessary or advisable or as deemed necessary and advisable by the chairperson OR a majority of its members. ~~or the governor.~~ Each board may conduct meetings by electronic means. EACH BOARD SHALL GIVE reasonable notice of ~~all ITS meetings shall be given~~ in the manner prescribed by ~~each board~~ LAW. A majority of each board ~~shall constitute~~ CONSTITUTES a quorum at any meeting or hearing.

(II) All meetings ~~shall be~~ ARE open to the public, except when:

(A) A board, or an administrative law judge acting on behalf of a board, specifically determines that the harm to a complainant or other recipient of services to keep such proceedings or RELATED documents ~~relating thereto~~ open to the public outweighs the public interest in observing the proceedings; or ~~when~~

(B) The licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER is participating in good faith in a program approved by the board designed to end ~~such~~ AN addiction or dependency and the licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER has not violated ~~any provisions of~~ the board's order regarding ~~such~~ THE person's participation in ~~such~~ THE treatment program.

(III) If the board determines that it is in the best interest of a complainant or other recipient of services to keep ~~such~~ proceedings or RELATED documents ~~relating thereto~~ closed to the public, the final action of the board ~~shall~~ MUST be open to the public without disclosing the name of the client or other recipient. In all open meetings, the board shall take reasonable steps ~~not to disclose~~ KEEP the names of the recipients of services CONFIDENTIAL.

(3.5) In carrying out its duties related to the approval of applications for licensure, REGISTRATION, OR CERTIFICATION pursuant to this section, section 12-43-212, and ~~parts 3, 4, 5, 6, and 7~~ of this article, each board shall delegate the function of the preliminary review and approval of applications to the staff of ~~each such~~ THE board, with approval of ~~such applications~~ AN APPLICATION ratified by action of ~~each such~~ THE board. Each board, in its sole discretion, may individually review any application requiring board consideration prior to the approval ~~thereof~~ OF THE APPLICATION pursuant to section 12-43-212 and ~~parts 3, 4, 5, 6, and 7~~ of this article.

(4) Each board ~~and the director~~ shall maintain current lists of the names of all licensees, registrants, AND 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~~ A member of a board or of a professional review committee authorized by a board, ~~or director, any~~ A member of staff to a board OR committee, ~~or the director, any~~ A person acting as a witness or consultant to a board OR committee, ~~or the director, any~~ A witness testifying in a proceeding authorized under this article, and ~~any~~ A person who lodges a complaint pursuant to this article ~~shall be~~ IS immune from liability in ~~any~~ A civil action brought against him or her for acts occurring while acting in his or her capacity as ~~the director, A~~ board or committee member, staff, consultant, or witness, respectively, if ~~such~~ THE 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~~ A person participating in good faith in lodging a complaint or participating in ~~any~~ AN investigative or administrative proceeding pursuant to this article ~~shall be~~ IS immune from any civil or criminal liability that may result from such participation.

(b) ~~Further, any~~ A 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~~ IS immune from any CIVIL OR CRIMINAL liability ~~civil or criminal~~; that ~~otherwise~~ might result by reason of ~~such~~ THE action.

(11) (a) (I) SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (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, OR certified ~~or regulated~~ pursuant to this article. If ~~such~~ a PROFESSIONAL REVIEW committee is established, it ~~shall~~ MUST include in its membership at least three persons licensed, registered, OR certified ~~or regulated~~ under ~~either part 3, 4, 5, 6, 7, or 8~~ of this article, ~~whichever is applicable~~; and such persons ~~shall~~ MUST be licensees, registrants, OR certificate holders ~~or unlicensed psychotherapists~~ in the same profession as the licensee, registrant, OR certificate holder ~~or unlicensed psychotherapist~~ who is the subject of a professional review proceeding. ~~but such~~

(II) A PROFESSIONAL REVIEW committee may be authorized to act only by a

society or an association of persons licensed, registered, OR certified ~~or regulated~~ pursuant to this article whose membership includes not less than one-third of the persons licensed, registered, OR certified ~~or regulated~~ pursuant to ~~part 3, 4, 5, 6, 7, or 8~~ of this article ~~whichever is applicable~~, residing in this state if the licensee, registrant, OR certificate holder ~~or unlicensed psychotherapist~~ whose services are the subject of review is a member of ~~such~~ THE society or association.

(12) THE BOARDS SHALL DEVELOP RULES OR POLICIES TO PROVIDE GUIDANCE TO PERSONS LICENSED, REGISTERED, OR CERTIFIED PURSUANT TO THIS ARTICLE TO ASSIST IN DETERMINING WHETHER A RELATIONSHIP WITH A CLIENT OR POTENTIAL CLIENT IS LIKELY TO IMPAIR HIS OR HER PROFESSIONAL JUDGMENT OR INCREASE THE RISK OF CLIENT EXPLOITATION IN VIOLATION OF SECTION 12-43-222 (1) (i).

SECTION 20. 12-43-203.5, Colorado Revised Statutes, is amended to read:

12-43-203.5. Limitation on authority. The authority granted each board under the provisions of this article ~~shall~~ DOES NOT ~~be construed to~~ authorize a board to arbitrate or adjudicate fee disputes between licensees, REGISTRANTS, OR CERTIFICATE HOLDERS, or between a licensee, REGISTRANT, OR CERTIFICATE HOLDER and any other party.

SECTION 21. 12-43-204 (1), (2), (3), and (3.5), Colorado Revised Statutes, are amended to read:

12-43-204. Fees - renewal. (1) All fees collected ~~under parts 3, 4, 5, and 6 of~~ PURSUANT TO this article ~~shall be transmitted to the state treasurer, who shall credit the same to the division of registrations cash fund pursuant to~~ SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS SET FORTH IN section 24-34-105, C.R.S.

(2) Each board may charge ~~application and examination~~ fees established pursuant to section 24-34-105, C.R.S., to all applicants for licensure, REGISTRATION, OR CERTIFICATION under this ~~part 2. No fees received from applicants seeking licensure shall be refunded~~ ARTICLE.

(3) Every person licensed, REGISTERED, OR certified ~~or registered~~ to practice psychology, social work, marriage and family therapy, professional counseling, PSYCHOTHERAPY, or addiction counseling ~~or listed in the state grievance board data base~~, within the state shall renew ~~or reinstate~~ his or her license, REGISTRATION, OR certification ~~or registration~~ pursuant to a schedule established by the director, and licenses, REGISTRATIONS, AND certifications ~~and registrations~~ shall be renewed ~~or reinstated~~ pursuant to section 24-34-102 (8), C.R.S. The director 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, REGISTRATION, OR certification ~~or registration~~ pursuant to the schedule established by the director, ~~such~~ THE license, REGISTRATION, OR certification ~~or registration shall expire~~ EXPIRES. Any person whose license, REGISTRATION, OR certification ~~or registration has expired shall be~~ EXPIRES IS subject to the penalties provided in this article or section 24-34-102 (8), C.R.S.

(3.5) The director shall coordinate fee-setting pursuant to this section so that all

licensees, registrants, AND certificate holders ~~and unlicensed psychotherapists~~ pay fees as required by this section and section 12-43-702.5 (1).

SECTION 22. The introductory portion to 12-43-205 (1) and 12-43-205 (1) (a), (1) (c), (1) (e), (1) (f), (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 proceedings and a register of all applications for licenses, REGISTRATIONS, or certifications, which ~~shall~~ MUST include:

- (a) The name AND age ~~and residence~~ of each applicant;
- (c) The ~~place of business~~ MAILING ADDRESS of ~~such~~ THE applicant;
- (e) Whether or not an examination was required and, if required, ~~the scores of the examination~~ PROOF THAT THE APPLICANT PASSED THE EXAMINATION;
- (f) Whether ~~or not~~ licensure, REGISTRATION, OR CERTIFICATION was granted;
- (g) The date of the action of the ~~director or~~ board;
- (h) ~~Such~~ Other information ~~as may be deemed~~ THE BOARD DEEMS necessary or advisable ~~by the director or board~~ in aid of the requirements of this section.

SECTION 23. 12-43-206, Colorado Revised Statutes, is amended to read:

12-43-206. Licensure by endorsement - rules. ~~The~~ A 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, professional counseling, or addiction counseling to ~~any~~ AN applicant who has a license, registration, or certification in good standing as a psychologist, social worker, marriage and family therapist, LICENSED 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, 12-43-603, or 12-43-804, whichever is applicable. Each board ~~or the director~~ shall promulgate rules setting forth the manner in which THE BOARD WILL REVIEW credentials and qualifications of an applicant. ~~will be reviewed by the board or the director.~~

SECTION 24. 12-43-207, Colorado Revised Statutes, is amended to read:

12-43-207. License - issuance. Each board shall issue a ~~certificate of licensure~~ ~~whenever~~ LICENSE, REGISTRATION, OR CERTIFICATION, AS APPROPRIATE, WHEN an applicant ~~for licensure~~ successfully qualifies ~~therefor~~ FOR LICENSURE, REGISTRATION, OR CERTIFICATION as provided in this article.

SECTION 25. 12-43-208, Colorado Revised Statutes, is amended to read:

12-43-208. Drugs - medicine. Nothing in this article ~~shall be construed as~~

~~permitting~~ PERMITS psychologists, social workers, marriage and family therapists, LICENSED professional counselors, PSYCHOTHERAPISTS, and addiction counselors licensed, REGISTERED, OR 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 26. 12-43-209, Colorado Revised Statutes, is amended to read:

12-43-209. Collaborate with physician. IN ORDER TO PROVIDE FOR THE DIAGNOSIS AND TREATMENT OF MEDICAL PROBLEMS, a licensee, registrant, OR 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, OR certificate holder ~~or unlicensed psychotherapist~~ shall not diagnose, prescribe for, treat, or advise a client with reference to medical problems.

SECTION 27. The introductory portion to 12-43-211 (1) and 12-43-211 (1) (b), (1) (g), (2), (3), and (6), Colorado Revised Statutes, are amended 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, REGISTRANTS, OR CERTIFICATE HOLDERS may form professional service corporations for the practice of psychology, social work, marriage and family therapy, professional counseling, PSYCHOTHERAPY, or addiction counseling under the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S., if ~~such~~ THE corporations are organized and operated in accordance with ~~the provisions of~~ this section. The articles of incorporation of ~~such corporations shall~~ A PROFESSIONAL SERVICE CORPORATION FORMED PURSUANT TO THIS SECTION MUST contain provisions complying with the following requirements:

(b) The corporation ~~shall~~ MUST be organized by licensees, REGISTRANTS, OR CERTIFICATE HOLDERS for the purpose of conducting the practice of psychology, social work, marriage and family therapy, professional counseling, PSYCHOTHERAPY, or addiction counseling by the respective licensees, REGISTRANTS, OR CERTIFICATE HOLDERS 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:

(I) The practice of psychology, AS DEFINED IN SECTION 12-43-303, by the professional service corporation is performed by or under the supervision of a licensed psychologist, and any psychologist member of the professional service corporation remains individually responsible for his OR HER professional acts and conduct as provided elsewhere in this article; ~~or~~

(II) (Deleted by amendment, L. 98, p. 1111, § 11, effective July 1, 1998.)

(III) The practice of social work, AS DEFINED IN SECTION 12-43-403, by the professional service corporation is performed by a licensed social worker acting independently or under the supervision of a person licensed pursuant to this article

or a licensed social worker. Any licensed social worker member of the professional service corporation remains individually responsible for his or her professional acts and conduct as provided elsewhere in this article; ~~or~~

(IV) The practice of marriage and family therapy, AS DEFINED IN SECTION 12-43-503, by the professional service corporation is performed by a licensed marriage and family therapist acting independently or under the supervision of a person licensed pursuant to this article or a licensed marriage and family therapist. Any licensed marriage and family therapist member of the professional service corporation remains individually responsible for his OR HER professional acts and conduct as provided elsewhere in this article; ~~or~~

(V) The practice of professional counseling, AS DEFINED IN SECTION 12-43-601, by the professional service corporation is performed by a licensed professional counselor acting independently or under the supervision of a person licensed pursuant to this article or a licensed professional counselor. Any licensed professional counselor member of the professional service corporation remains individually responsible for his OR HER professional acts and conduct as provided elsewhere in this article;

(VI) The practice of addiction counseling, AS DEFINED IN SECTION 12-43-802, 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; OR

(VII) THE PRACTICE OF PSYCHOTHERAPY, AS DEFINED IN SECTION 12-43-201, BY THE PROFESSIONAL SERVICE CORPORATION IS PERFORMED BY A REGISTERED PSYCHOTHERAPIST ACTING INDEPENDENTLY OR UNDER THE SUPERVISION OF A PERSON LICENSED PURSUANT TO THIS ARTICLE OR A REGISTERED PSYCHOTHERAPIST. ANY REGISTERED PSYCHOTHERAPIST MEMBER OF THE PROFESSIONAL SERVICE CORPORATION REMAINS INDIVIDUALLY RESPONSIBLE FOR HIS OR HER PROFESSIONAL ACTS AND CONDUCT AS PROVIDED IN THIS ARTICLE.

(g) The articles of incorporation ~~shall~~ MUST provide, and all shareholders of the corporation ~~shall~~ MUST agree, that either all shareholders of the corporation ~~shall be~~ ARE jointly and severally liable for all acts, errors, and omissions of the employees of the corporation or that all shareholders of the corporation ~~shall be~~ ARE jointly and severally liable for all acts, errors, and omissions of the employees of the corporation except during periods ~~of time~~ when the corporation ~~shall maintain in good standing~~ MAINTAINS professional liability insurance ~~which~~ THAT meets the following minimum standards:

(I) The insurance ~~shall insure~~ INSURES the corporation against liability imposed upon the corporation by law for damages resulting from any claim made against the corporation arising out of the performance of professional services for others by those officers and employees of the corporation who are licensed, REGISTERED, OR CERTIFIED to practice under this article or ~~who are certified or licensed school psychologists or~~ by those employees who provide professional services under supervision.

(II) ~~Such~~ THE insurance policies ~~shall insure~~ INSURES the corporation against liability imposed upon it by law for damages arising out of the acts, errors, and omissions of all nonprofessional employees.

(III) The insurance ~~shall be~~ IS in an amount for each claim of at least one hundred thousand dollars multiplied by the number of persons licensed, REGISTERED, OR CERTIFIED to practice under this article ~~or by the number of certified or licensed school psychologists~~, WHO ARE employed by the corporation. ~~and~~ The policy may provide for an aggregate maximum limit of liability per year for all claims of three hundred thousand dollars also multiplied by the number of licensees, REGISTRANTS, ~~or certified or licensed school psychologists~~ CERTIFICATE HOLDERS employed by the corporation, but no ~~firm shall be~~ CORPORATION IS required to carry insurance in excess of three hundred thousand dollars for each claim with an aggregate maximum limit of liability for all claims during the year of nine hundred thousand dollars.

(IV) The insurance policy may provide that it does not apply to: Any dishonest, fraudulent, criminal, or malicious act or omission of the insured corporation or any stockholder or employee ~~thereof~~ OF THE CORPORATION; or the conduct of any business enterprise, as distinguished from the practice of licensees, REGISTRANTS, ~~or certified or licensed school psychologists~~) CERTIFICATE HOLDERS, in which the insured corporation under this section is not permitted to engage but ~~which~~ THAT nevertheless may be owned by the insured corporation or in which the insured corporation may be a partner or ~~which~~ THAT may be controlled, operated, or managed by the insured corporation in its own or in a fiduciary capacity, including the ownership, maintenance, or use of any property in connection therewith, when not resulting from breach of professional duty of, bodily injury to, or sickness, disease, or death of any person or to injury to or destruction of any tangible property, including the loss of use ~~thereof~~ OF TANGIBLE PROPERTY.

(V) The insurance policy may contain reasonable provisions with respect to policy periods, territory, claims, conditions, and other usual matters.

(2) The corporation shall ~~do nothing~~ NOT ACT OR FAIL TO ACT IN A MANNER that ~~if done by a licensee, and employed by it, would violate the provisions of section 12-43-222 (1).~~ Any violation of this section by the corporation ~~shall be~~ IS grounds for a board to discipline any licensee, REGISTRANT, OR CERTIFICATE HOLDER WHO IS A MEMBER OF OR IS EMPLOYED BY THE CORPORATION pursuant to section 12-43-224.

(3) Nothing in this section ~~shall be deemed to diminish or change~~ DIMINISHES OR CHANGES the obligation of each licensee, REGISTRANT, OR CERTIFICATE HOLDER employed by the corporation to conduct his or her practice ~~so as not to~~ IN A MANNER THAT DOES NOT violate ~~the provisions of~~ section 12-43-222 (1). Any licensee, REGISTRANT, OR CERTIFICATE HOLDER who, by act or omission, causes the corporation to act or fail to act in a way that violates ~~the provisions of~~ section 12-43-222 (1) or ~~any provision of~~ this section ~~shall be deemed~~ IS personally responsible for ~~such~~ THE act or omission and ~~shall be~~ IS subject to discipline ~~therefor~~ by the board.

(6) Nothing in this article ~~shall be construed to limit~~ LIMITS persons licensed,

REGISTERED, OR CERTIFIED under ~~any part of this article or certified or licensed school psychologists~~ from forming a corporation with persons licensed, REGISTERED, OR CERTIFIED under ~~any other part of this article. or certified or licensed school psychologists.~~

SECTION 28. 12-43-212, Colorado Revised Statutes, is amended to read:

12-43-212. Denial of license, registration, or certification - reinstatement.

(1) Each board is empowered to determine whether an applicant for licensure, REGISTRATION, OR CERTIFICATION, OR FOR REGISTRY AS A CANDIDATE FOR LICENSURE, REGISTRATION, OR CERTIFICATION, possesses the qualifications ~~for licensure~~ required by this article.

(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 12-43-411, 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, REGISTRATION, OR CERTIFICATION or deny the reinstatement of a license, ~~and, in such instance~~ REGISTRATION, OR CERTIFICATION. IF THE APPLICATION IS DENIED, the board ~~or director~~ shall provide 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. The applicant may request a hearing on the determination as provided in section 24-4-104 (9), C.R.S.

(3) If a board has any reason to believe that or receives any information that an ~~applicant, renewal applicant, or reinstatement~~ applicant has ~~done~~ COMMITTED any of the acts set forth in section 12-43-222 (1) as grounds for discipline, the board may deny a license, REGISTRATION, OR CERTIFICATION to the applicant ~~renewal applicant, or reinstatement applicant~~ if the board determines that there is a basis for ~~such~~ THE denial. The order of the board to grant or deny ~~such~~ A license, ~~shall be the~~ REGISTRATION, OR CERTIFICATION CONSTITUTES final agency action.

(4) A board, on its own motion or upon application, at any time after the refusal to grant a license, REGISTRATION, OR CERTIFICATION, may reconsider its prior action and grant ~~such~~ A license, REGISTRATION, OR CERTIFICATION. ~~The taking of any such further action shall rest in the BOARD HAS sole discretion of the board, except that the board shall not act in contradiction to a decision of the grievance board TO DETERMINE WHETHER TO TAKE FURTHER ACTION ON THE APPLICATION AFTER IT REFUSES TO GRANT A LICENSE, REGISTRATION, OR CERTIFICATION.~~

SECTION 29. 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 the ~~director's or~~ board's rule-making powers to ensure the right to take ~~such~~ THE examinations. It is not the intent that technical barriers be used to deny the ability to take ~~such~~ AN examination.

SECTION 30. The introductory portion to 12-43-214 (1) and 12-43-214 (1) (a), (1) (b), (1) (c), (1) (d) (III), (1) (d) (IV), (4) (d), and (4) (g), Colorado Revised Statutes, are amended, and the said 12-43-214 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, 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, REGISTRANT, OR certificate holder ~~or registrant~~ shall provide the following information VERBALLY AND in writing to each client during the initial client contact:

(a) The name, business address, and business phone number of the ~~unlicensed psychotherapist~~; licensee, REGISTRANT, OR certificate holder; ~~or registrant~~;

(b) (I) AN EXPLANATION OF THE LEVELS OF REGULATION APPLICABLE TO MENTAL HEALTH PROFESSIONALS UNDER THIS ARTICLE AND THE DIFFERENCES BETWEEN LICENSURE, REGISTRATION, AND CERTIFICATION, INCLUDING THE EDUCATIONAL, EXPERIENCE, AND TRAINING REQUIREMENTS APPLICABLE TO THE PARTICULAR LEVEL OF REGULATION; AND

(II) A listing of any degrees, credentials, certifications, REGISTRATIONS, and licenses HELD OR OBTAINED BY THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER, INCLUDING THE EDUCATION, EXPERIENCE, AND TRAINING THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER WAS REQUIRED TO SATISFY IN ORDER TO OBTAIN THE DEGREE, CREDENTIALS, CERTIFICATIONS, REGISTRATIONS, OR LICENSES;

(c) A statement indicating that the practice of ~~both licensed and unlicensed~~ OR REGISTERED persons ~~and certified or licensed school psychologists~~ in the field of psychotherapy is regulated by the ~~department of regulatory agencies~~ DIVISION, and an address and telephone number for the ~~grievance board and~~ THAT REGULATES THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER;

(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~~ LICENSES, registers, OR certifies ~~or licenses such unlicensed psychotherapist~~ THE LICENSEE, registrant, OR 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, AND psychologists; licensed or certified addiction counselors; and ~~unlicensed~~ REGISTERED psychotherapists, except as provided in section 12-43-218 and except for certain legal exceptions that will be identified by the licensee, registrant, OR certificate holder ~~or unlicensed psychotherapist~~ should any such situation arise during therapy; AND

(e) IF THE MENTAL HEALTH PROFESSIONAL IS A REGISTERED PSYCHOTHERAPIST, A STATEMENT INDICATING THAT A REGISTERED PSYCHOTHERAPIST IS A PSYCHOTHERAPIST LISTED IN THE STATE'S DATABASE AND IS AUTHORIZED BY LAW TO PRACTICE PSYCHOTHERAPY IN COLORADO BUT IS NOT LICENSED BY THE STATE AND IS NOT REQUIRED TO SATISFY ANY STANDARDIZED EDUCATIONAL OR TESTING REQUIREMENTS TO OBTAIN A REGISTRATION FROM THE STATE.

(4) The disclosure of information required by subsection (1) of this section is not required when psychotherapy is being administered in any of the following circumstances:

(d) The client is in the physical custody of either the department of corrections or the department of human services and such department has developed an alternative program to provide similar information to such client and such program has been established through rule or regulation; ~~pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S.;~~

(g) By a person licensed or certified pursuant to this article, or by ~~an unlicensed~~ A REGISTERED psychotherapist practicing in a hospital that is licensed or certified under section 25-1.5-103 (1) (a) (I) or (1) (a) (II), C.R.S.

SECTION 31. 12-43-215 (5), (7), and (10), Colorado Revised Statutes, are amended to read:

12-43-215. Scope of article - exemptions. (5) Nothing in this section ~~shall be construed to limit~~ LIMITS the applicability of the provisions of section 18-3-405.5, C.R.S., which ~~shall apply~~ APPLIES to any person while he OR SHE is practicing psychotherapy as defined in this article.

(7) ~~The provisions of this article shall not apply to mental health professionals acting within the scope of a court appointment to undertake custodial evaluations in domestic relations cases in the courts of this state or to mental health professionals acting within the scope of a court appointment to undertake domestic and child abuse evaluations for purposes of legal proceedings in the courts of this state.~~

(10) The provisions of this article ~~shall~~ DO not apply to a professional coach, INCLUDING A LIFE COACH, EXECUTIVE COACH, PERSONAL COACH, OR BUSINESS COACH, who has had coach-specific training and who serves clients exclusively as a coach, AS LONG AS THE PROFESSIONAL COACH DOES NOT ENGAGE IN THE PRACTICE OF PSYCHOLOGY, SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, LICENSED PROFESSIONAL COUNSELING, PSYCHOTHERAPY, OR ADDICTION COUNSELING, AS THOSE PRACTICES ARE DEFINED IN THIS ARTICLE.

SECTION 32. 12-43-218 (1), the introductory portion to 12-43-218 (2), 12-43-218 (2) (a) and (2) (b), the introductory portion to 12-43-218 (2) (c), and 12-43-218 (2) (c) (I), (2) (c) (II), and (3), Colorado Revised Statutes, are amended, and the said 12-43-218 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-43-218. Disclosure of confidential communications. (1) A licensee, ~~school~~

~~psychologist, registrant, OR 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 TO THE CLIENT, in the course of professional employment. nor shall~~ A licensee's, ~~school psychologist's, registrant's, OR certificate holder's or unlicensed psychotherapist's~~ employee or associate, whether clerical or professional, SHALL NOT 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, OR certificate holder, or unlicensed psychotherapist, including but not limited to,~~ group therapy sessions, SHALL NOT 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~~ DOES 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, OR certificate holder or unlicensed psychotherapist~~ on any cause of action arising out of or connected with the care or treatment of ~~such~~ THE client by the licensee, ~~school psychologist, registrant, OR certificate holder; or unlicensed psychotherapist;~~

(b) A licensee, ~~school psychologist, registrant, OR certificate holder or unlicensed psychotherapist~~ was in consultation with a physician, registered professional nurse, licensee, ~~school psychologist, registrant, OR 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, OR 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 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~~ THE licensee, ~~school psychologist, registrant, OR 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~~ THE hospital; or

(3) The records and information produced and used in the review provided for in paragraph (c) of subsection (2) of this section ~~shall~~ DO not become public records solely by virtue of the use of ~~such~~ THE records and information. The identity of ~~any~~ A client whose records are ~~so~~ reviewed shall not be disclosed to any person not directly involved in ~~such~~ THE 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).

(6) THIS SECTION DOES NOT APPLY TO COVERED ENTITIES, THEIR BUSINESS ASSOCIATES, OR HEALTH OVERSIGHT AGENCIES, AS EACH IS DEFINED IN THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS

AMENDED BY THE FEDERAL "HEALTH INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT", AND THE RESPECTIVE IMPLEMENTING REGULATIONS.

SECTION 33. The introductory portion to 12-43-221 (1) and 12-43-221 (1) (b), (1) (f), and (2), Colorado Revised Statutes, are amended to read:

12-43-221. Powers and duties of the boards - rules. (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 and the director, as appropriate, have~~ HAS the following powers and duties with respect to the licensing, registration, AND certification ~~and regulation~~ of the persons licensed, registered, OR 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 the ~~director's or board's behalf, shall have the power to~~ MAY 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).

(III) Upon failure of ~~any~~ A witness to comply with ~~such~~ A subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board ~~or director~~ with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the ~~director~~ BOARD; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. THE COURT MAY PUNISH THE failure to obey the order of the court ~~may be punished by the court~~ as a contempt of court.

(f) To notify the public of all disciplinary actions taken against licensees, registrants, OR 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 the ~~director or board~~ to carry out the provisions of this part 2 with respect to the regulation of the persons licensed, registered, OR 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 34. 12-43-224 (1), (2) (c), (2) (d), (2) (e), (3), (4), (8), and (9),

Colorado Revised Statutes, are amended to read:

12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses. (1) (a) A proceeding for discipline of a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER may be commenced when the board that licenses, registers, or ~~regulates such~~ CERTIFIES THE licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER has reasonable grounds to believe that ~~a~~ THE licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER under ~~such~~ THE board's jurisdiction has committed any act or failed to act pursuant to the grounds established in section 12-43-222 or 12-43-226.

(b) A licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER who holds more than one license, registration, or ~~listing~~ CERTIFICATION pursuant to this article, who has committed any act or failed to act pursuant to the grounds established in section 12-43-222 or 12-43-226, ~~shall be~~ IS subject to disciplinary action by all boards that license, register, or ~~regulate such~~ CERTIFY THE person pursuant to this article. The findings, conclusions, and final agency order of the first board to take disciplinary action pursuant to this section against the licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER, or any disciplinary action taken by the state grievance board as it existed prior to July 1, 1998, ~~shall be~~ IS prima facie evidence against ~~such~~ THE person in any subsequent disciplinary action taken by another board concerning the same act or series of acts.

(c) If a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER who ~~makes application~~ APPLIES for a license, registration, or ~~listing~~ CERTIFICATION pursuant to this article has been disciplined by any board created pursuant to this article, or the state grievance board as it existed prior to July 1, 1998, the findings, conclusions, and final agency order of the first board to take disciplinary action pursuant to this section against the licensee, registrant, or ~~unlicensed psychotherapist~~ ~~shall be~~ CERTIFICATE HOLDER IS prima facie evidence against ~~such~~ THE person in any subsequent application made for a license, registration, or ~~listing~~ CERTIFICATION to any other board created pursuant to this article.

(2) (c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), A BOARD SHALL NOT DENY, REVOKE, OR SUSPEND a licensee's, ~~or~~ registrant's, OR CERTIFICATE HOLDER'S right to use a title ~~shall not be denied, revoked, or suspended by any board, and a licensee, registrant, or unlicensed psychotherapist~~ AND shall not ~~be placed~~ PLACE A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER on probation ~~by any board~~ pursuant to the grounds established in sections 12-43-222 and 12-43-226 until ~~after~~ a hearing has been conducted if ~~so~~ required pursuant to section 24-4-105, C.R.S. ~~except as provided for~~

(II) THE BOARD THAT LICENSES, REGISTERS, OR CERTIFIES A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER PURSUANT TO THIS ARTICLE MAY SUMMARILY SUSPEND THE PERSON'S LICENSE, REGISTRATION, OR CERTIFICATION, SUBJECT TO THE LIMITATION OF SECTION 24-4-104, C.R.S., UNDER THE FOLLOWING CIRCUMSTANCES:

(A) In emergency situations, AS PROVIDED FOR by section 24-4-104, C.R.S.; ~~or~~ ~~except~~

(B) ~~In the event that a~~ THE licensee, registrant, or ~~unlicensed psychotherapist~~

CERTIFICATE HOLDER has been adjudicated BY A COURT OF COMPETENT JURISDICTION as being A PERSON WHO IS gravely disabled, mentally retarded, mentally incompetent, or insane or as ~~having~~ A PERSON WITH a mental illness by a court of competent jurisdiction; or ~~except~~

(C) ~~In the event that a~~ THE licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER violates paragraph (e) of this subsection (2). ~~in which case, the board that licenses, registers, or regulates such licensee, registrant, or unlicensed psychotherapist pursuant to this article is empowered to summarily suspend such person's license, registration, or listing subject to the limitation of section 24-4-104, C.R.S.~~

(d) If a board has reasonable cause to believe that a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER whom ~~such~~ THE board licenses, registers, or ~~regulates~~ CERTIFIES pursuant to this article is unable to practice with reasonable skill and safety to patients, ~~it~~ THE BOARD may require ~~such~~ THE licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER to submit to mental or physical examinations designated by the board. Upon the failure of ~~such~~ THE licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER to submit to ~~such~~ A mental or physical ~~examinations~~ EXAMINATION, AND unless ~~such~~ THE person shows good cause for such failure, the board may act pursuant to paragraph (c) of this subsection (2) or enjoin a LICENSEE, registrant, ~~unlicensed psychotherapist, or licensee~~ CERTIFICATE HOLDER pursuant to section 12-43-227 until ~~such time as such~~ THE person submits to the required examinations.

(e) Every licensee, registrant, or ~~unlicensed psychotherapist shall be~~ CERTIFICATE HOLDER IS deemed to have ~~given consent~~ CONSENTED to submit to mental or physical examinations when directed in writing by the board that licenses, registers, or ~~regulates such~~ CERTIFIES THE licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER pursuant to this article and to have waived all objections to the admissibility of the examiner's testimony or examination reports on the ground of privileged communication.

(3) Disciplinary actions may consist of the following:

(a) **Revocation of a license, registration, or certification.** (I) Revocation of a license, ~~or a registration, OR CERTIFICATION~~ by a board ~~shall mean~~ MEANS that the licensee, ~~or registrant, OR CERTIFICATE HOLDER~~ shall surrender ~~such person's~~ HIS OR HER license, ~~or certificate of registration, to the board within thirty days~~ OR CERTIFICATION.

(II) Any person whose license, ~~or registration, OR CERTIFICATION~~ to practice is revoked ~~or whose listing has been stricken from the data base by the grievance board is rendered~~ ineligible to apply for any license, registration, or ~~listing~~ CERTIFICATION issued under this article ~~until more than~~ FOR AT LEAST three years ~~have elapsed from~~ AFTER the date of surrender of the license, ~~or certificate of registration, or of the listing being stricken from the data base~~ OR CERTIFICATION. Any reapplication after such three-year period ~~shall be~~ IS treated as a new application.

(b) **Suspension of a license, registration, or certification.** Suspension of a

license, registration, or ~~listing~~ CERTIFICATION by the board that licenses, registers, or ~~regulates~~ CERTIFIES such licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER pursuant to this article ~~shall be~~ IS for a period to be determined by ~~such~~ THE APPLICABLE board.

(c) **Probationary status.** A BOARD MAY IMPOSE probationary status ~~may be imposed by a board~~ ON A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER. If a board places a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER on probation, it may include ~~such~~ conditions for continued practice ~~as~~ THAT the board deems appropriate to assure that the licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER is physically, mentally, and otherwise qualified to practice in accordance with generally accepted professional standards of practice, including any ~~or all~~ of the following:

(I) Submission by the licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER to ~~such~~ examinations ~~as~~ a board may order to determine ~~such~~ THE person's physical or mental condition or professional qualifications;

(II) ~~The taking by such person of such~~ PARTICIPATION IN therapy or courses of training or education ~~as may be needed~~ THE BOARD DETERMINES NECESSARY to correct deficiencies found either in the hearing or by such examinations;

(III) ~~Such~~ Review or supervision of ~~such~~ THE person's practice as may be necessary to determine the quality of, AND CORRECT ANY DEFICIENCIES IN, that practice; ~~and to correct deficiencies therein;~~ and

(IV) The imposition of restrictions upon the nature of ~~such~~ THE person's practice to assure that he or she does not practice beyond the limits of his or her capabilities.

(d) **Issuance of letters of admonition.** (I) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee, REGISTRANT, OR certificate holder. ~~registrant, or unlicensed psychotherapist.~~

(II) When a letter of admonition is sent by the board, by certified mail, to a licensee, REGISTRANT, OR certificate holder, ~~registrant, or unlicensed psychotherapist, such~~ THE LETTER ALSO MUST ADVISE THE person ~~shall be advised~~ that he or she has the right to request, in writing within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(III) If the request for adjudication is timely made, the letter of admonition ~~shall be deemed~~ IS vacated and the matter shall be processed by means of formal disciplinary proceedings.

(e) **Issuance of confidential letters of concern.** ~~Such letters shall be sent by registered mail to the licensee, registrant, or unlicensed psychotherapist against whom a complaint was made~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE

BOARD BUT INDICATES TO THE BOARD CONDUCT BY THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, THE BOARD MAY ISSUE AND SEND TO THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER A CONFIDENTIAL LETTER OF CONCERN. The letter ~~shall~~ MUST advise the licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER that the board is concerned about a complaint that the board has IT received about the licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER and MUST SPECIFY what action, if any, the licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER should take to assuage the board's concern. CONFIDENTIAL letters of ~~confidential~~ concern ~~shall be~~ ARE confidential, and THE BOARD shall not ~~be disclosed~~ DISCLOSE THE EXISTENCE OF SUCH A LETTER OR ITS CONTENTS to members of the public or in any court action unless the board is a party TO THE ACTION.

(4) (a) ~~Except when a decision to proceed with a disciplinary action has been agreed upon by a majority of the board that licenses, registers, or regulates such licensee, registrant, or unlicensed psychotherapist, and a notice of formal complaint is drafted and served on the licensee, registrant, or unlicensed psychotherapist by first-class mail or upon final agency action unless the complaint is dismissed AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), IF A COMPLAINT IS DISMISSED, RECORDS OF investigations, examinations, hearings, meetings, or any AND other proceedings of the board conducted pursuant to the provisions of this section shall be ARE exempt from the provisions of the open records law, article 72 of title 24, C.R.S. requiring that proceedings of the board be conducted publicly or that the minutes or records of the board with respect to action of the board taken pursuant to the provisions of this section be open to public inspection.~~

(b) THE EXEMPTION FROM THE OPEN RECORDS LAW SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4) DOES NOT APPLY:

(I) WHEN A DECISION TO PROCEED WITH A DISCIPLINARY ACTION HAS BEEN AGREED UPON BY A MAJORITY OF THE MEMBERS OF THE APPLICABLE BOARD AND A NOTICE OF FORMAL COMPLAINT IS DRAFTED AND SERVED ON THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER BY FIRST-CLASS MAIL; OR

(II) UPON FINAL AGENCY ACTION.

(c) IN any final agency action or ~~the filing of a formal complaint, when the board, determines it is~~ WHEN IT DEEMS necessary, shall redact all names of clients or other recipients of services to protect such persons' confidentiality.

(8) Any licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER against whom a malpractice claim is settled or a judgment rendered in a court of competent jurisdiction shall notify the board that licenses, registers, or ~~regulates such~~ CERTIFIES THE licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER pursuant to this article of ~~such~~ THE judgment or settlement within sixty days after ~~such~~ THE disposition.

(9) Any licensee, registrant, or ~~unlicensed psychotherapist having~~ CERTIFICATE HOLDER WHO HAS direct knowledge that ~~an unlicensed psychotherapist~~ A LICENSEE, registrant, or ~~licensee~~ CERTIFICATE HOLDER has violated ~~any of the provisions of~~

section 12-43-222 or 12-43-226 has a duty to report ~~such knowledge~~ THE VIOLATION to the board that licenses, registers, or ~~regulates such unlicensed psychotherapist~~ CERTIFIES THE LICENSEE, registrant, or ~~licensee~~ CERTIFICATE HOLDER pursuant to this article unless ~~such report~~ REPORTING THE VIOLATION would violate the prohibition against disclosure of confidential information without client consent pursuant to section 12-43-218.

SECTION 35. 12-43-225, Colorado Revised Statutes, is amended to read:

12-43-225. Reconsideration and review of action of a board. A board, on its own motion or upon application, at any time after the imposition of any discipline as provided in section 12-43-224, may reconsider its prior action and reinstate or restore such license, registration, or ~~listing or~~ CERTIFICATION; terminate probation; or reduce the severity of its prior disciplinary action. The ~~taking of any such~~ BOARD HAS SOLE DISCRETION TO DETERMINE WHETHER TO TAKE further action or ~~the holding of~~ HOLD a hearing with respect ~~thereto shall rest in the sole discretion of the board~~ TO ITS PRIOR DISCIPLINARY ACTION.

SECTION 36. 12-43-226 (2), Colorado Revised Statutes, is amended to read:

12-43-226. Unauthorized practice - penalties. (2) Any person who practices or offers or attempts to practice as a PSYCHOLOGIST, social worker, marriage and family therapist, LICENSED professional counselor, PSYCHOTHERAPIST, OR addiction counselor ~~or psychologist~~ without an active license, REGISTRATION, OR 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.

SECTION 37. 12-43-227, Colorado Revised Statutes, is amended to read:

12-43-227. Injunctive proceedings. (1) A board 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:

(a) To enjoin any person licensed, ~~regulated or~~ registered, OR CERTIFIED by that board pursuant to ~~part 3, 4, 5, 6, or 7 of~~ this article from committing any act prohibited by ~~the provisions of~~ this article;

(b) To enjoin a licensee, ~~licensed~~ REGISTRANT, OR CERTIFICATE HOLDER ~~REGULATED~~ by that board from practicing the profession for which ~~such~~ THE person is licensed, REGISTERED, OR CERTIFIED under this article ~~or to enjoin a registered psychologist candidate from practicing the profession for which such person is registered under section 12-43-304,~~ if ~~such~~ THE person has violated section 12-43-224 (2) (d) or 12-43-222.

(c) ~~To enjoin an unlicensed psychotherapist from practicing psychotherapy if such person has violated the provisions of section 12-43-222.~~

(2) ~~If it is established~~ THE BOARD DEMONSTRATES that the defendant has been or is committing any act prohibited by this article, the court shall enter a decree

perpetually enjoining ~~said~~ THE defendant from further committing ~~said~~ THE act or from practicing any profession licensed, registered, or ~~regulated~~ CERTIFIED pursuant to this article.

(3) ~~Such~~ Injunctive proceedings ~~shall be~~ ARE in addition to, and not in lieu of, ~~all~~ penalties and other remedies provided in this article.

(4) When seeking an injunction under this section, a board ~~shall~~ IS not ~~be~~ required to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from a continued violation.

SECTION 38. The introductory portion to 12-43-228 (1), 12-43-228 (1) (a), the introductory portion to 12-43-228 (1) (c), and 12-43-228 (2) and (3), Colorado Revised Statutes, are amended to read:

12-43-228. Minimum standards for testing. (1) Every person licensed, registered, or ~~regulated~~ CERTIFIED under this article ~~shall~~ MUST meet the minimum professional preparation standards set forth in this section to engage in the administration, scoring, or interpretation of the following levels of psychometric or electrodiagnostic testing:

(a) **General use.** There is no educational or experience minimum necessary for a licensee, registrant, or ~~unlicensed psychotherapist~~ CERTIFICATE HOLDER to administer standardized personnel selection, achievement, general aptitude, or proficiency tests.

(c) **Advanced use.** A licensee, registrant, or ~~unlicensed psychotherapist~~ ~~shall~~ CERTIFICATE HOLDER MUST meet all the requirements of paragraph (b) of this subsection (1) and, in addition, completion, at a regionally accredited university or college certified by the accrediting agency or body to award graduate degrees, of at least one graduate-level course in six of the following areas: Cognition, emotion, attention, sensory-perceptual function, psychopathology, learning, encephalopathy, neuropsychology, psychophysiology, personality, growth and development, projective testing, and neuropsychological testing and completion of one year of experience in advanced use practice under the supervision of a person fully qualified under this paragraph (c) in order to practice projective testing, neuropsychological testing, or ~~utilization~~ USE of a battery of three or more tests to:

(2) The board licensing, registering, or ~~regulating~~ CERTIFYING any person violating ~~any provision of~~ this section may bring disciplinary proceedings or injunctive proceedings against ~~such~~ THE person pursuant to section 12-43-224 or 12-43-227.

(3) (a) ~~Any person licensed under this article on July 1, 1998, shall not be required to comply with the education requirements of paragraphs (b) and (c) of subsection (1) of this section if such person has, on such date, been licensed under this article for a period of seven consecutive years.~~

(b) ~~Any person licensed under this article on July 1, 1998, shall not be required to comply with the supervision requirements of paragraph (c) of subsection (1) of this section if such person has, on such date, been licensed under this article for a~~

~~period of five consecutive years.~~

SECTION 39. Repeal. 12-43-301 (3), (5), and (7), 12-43-401 (3) and (9), 12-43-501 (3) and (5), 12-43-601 (3), and 12-43-701 (2), Colorado Revised Statutes, are repealed.

SECTION 40. 12-43-302 (2), the introductory portion to 12-43-302 (4) (b), and 12-43-302 (4) (b) (II), Colorado Revised Statutes, are amended to read:

12-43-302. State board of psychologist examiners. (2) The board ~~shall consist~~ CONSISTS of seven members who are citizens of the United States and residents of the state of Colorado as follows:

(a) ~~Three~~ FOUR board members ~~shall~~ MUST be licensed psychologists, at least two of whom shall be engaged in the direct practice of psychology; except that, if, after a good-faith attempt, the governor determines that an applicant for membership on the board pursuant to this paragraph (a) who is engaged in the direct practice of psychology is not available to serve on the board for a particular term, the governor may appoint a licensed psychologist who is not engaged in the direct practice of psychology.

(b) ~~Four~~ THREE board members ~~shall~~ MUST be representatives of the general public, one of whom may be a mental health consumer or family member of a mental health consumer. These individuals ~~shall~~ MUST have never been psychologists, applicants or former applicants for licensure as psychologists, members of another mental health profession, or members of households that include psychologists or members of another mental health profession or otherwise have conflicts of interest or the appearance of such conflicts with their duties as board members.

(4) (b) The terms of office of the members on the board ~~as of August 3, 2007,~~ ~~shall be~~ ARE modified as follows in order to ensure staggered terms of office:

(II) The initial term of office of the one board member representing the general public whose initial term would otherwise expire on June 30, 2009, shall expire on May 31, 2009, and the board member ~~shall be~~ IS eligible to serve one additional four-year term commencing on June 1, 2009, and expiring on May 31, 2013. On and after the expiration of this board member's term ~~persons appointed~~ OR A VACANCY IN THIS POSITION, THE GOVERNOR SHALL APPOINT A LICENSED PSYCHOLOGIST to this position on the board, ~~shall~~ WHO IS ELIGIBLE TO serve terms as described in paragraph (a) of this subsection (4) commencing on June 1 of the applicable year.

SECTION 41. 12-43-303 (1) and (2), Colorado Revised Statutes, are amended to read:

12-43-303. Practice of psychology defined. (1) For the purposes of this part 3, the "practice of psychology" ~~is defined as~~ MEANS the observation, description, evaluation, interpretation, ~~treatment,~~ or modification of HUMAN behavior ~~cognitions,~~ ~~or emotions~~ by the application of psychological ~~behavioral, and physical~~ principles, methods, or procedures, for the purpose of:

(a) Preventing, ~~or eliminating~~, EVALUATING, ASSESSING, OR PREDICTING symptomatic, maladaptive, or undesired behavior; ~~cognitions, or emotions and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health.~~ Psychologists use any and all psychological principles, methods, and devices to consider the full range of possible causes of patients' illnesses and select and apply the appropriate treatment methods.

(b) EVALUATING, ASSESSING, OR FACILITATING THE ENHANCEMENT OF INDIVIDUAL, GROUP, OR ORGANIZATIONAL EFFECTIVENESS, INCLUDING PERSONAL EFFECTIVENESS, ADAPTIVE BEHAVIOR, INTERPERSONAL RELATIONSHIPS, WORK AND LIFE ADJUSTMENT, HEALTH, AND INDIVIDUAL, GROUP, OR ORGANIZATIONAL PERFORMANCE; OR

(c) PROVIDING CLINICAL INFORMATION TO BE UTILIZED IN LEGAL PROCEEDINGS.

(2) The practice of psychology includes: ~~but is not limited to:~~

(a) Psychological testing and the evaluation or assessment of personal characteristics such as intelligence; personality; COGNITIVE, PHYSICAL, OR EMOTIONAL abilities; SKILLS; interests; ~~and aptitudes;~~ AND NEUROPSYCHOLOGICAL FUNCTIONING;

(b) ~~Neuropsychological tests, assessments, diagnoses, and treatment of neuropsychological and brain disorders~~ COUNSELING, PSYCHOANALYSIS, PSYCHOTHERAPY, HYPNOSIS, BIOFEEDBACK, AND BEHAVIOR ANALYSIS AND THERAPY;

(c) ~~Psychotherapy, which may include psychoanalytic, existential, cognitive, and behavioral therapies, hypnosis, and biofeedback~~ DIAGNOSIS, TREATMENT, AND MANAGEMENT OF MENTAL AND EMOTIONAL DISORDER OR DISABILITY, SUBSTANCE USE DISORDERS, DISORDERS OF HABIT OR CONDUCT, AS WELL AS OF THE PSYCHOLOGICAL ASPECTS OF PHYSICAL ILLNESS, ACCIDENT, INJURY, OR DISABILITY;

(d) ~~Clinical and counseling psychology, which are the sciences of diagnosis and treatment of mental, neurological, psychophysiological, and emotional disorder or disability, alcoholism and substance abuse, behavioral abuse including dangerousness to self or others, and disorders of habit or conduct~~ PSYCHOEDUCATIONAL EVALUATION, THERAPY, AND REMEDIATION;

(e) ~~Rehabilitation psychology, which is the science of psychology dealing with the psychological aspects of physical illness, accident, injury, or disability and rehabilitation therefrom~~ CONSULTATION WITH PHYSICIANS, OTHER HEALTH CARE PROFESSIONALS, AND PATIENTS REGARDING ALL AVAILABLE TREATMENT OPTIONS WITH RESPECT TO PROVISION OF CARE FOR A SPECIFIC PATIENT OR CLIENT;

(f) ~~Health psychology, which is the science of psychology dealing with the role of psychological factors in health and illness~~ THE PROVISION OF DIRECT SERVICES TO INDIVIDUALS OR GROUPS FOR THE PURPOSE OF ENHANCING INDIVIDUAL AND THEREBY ORGANIZATIONAL EFFECTIVENESS, USING PSYCHOLOGICAL PRINCIPLES, METHODS, OR PROCEDURES TO ASSESS AND EVALUATE INDIVIDUALS ON PERSONAL CHARACTERISTICS FOR INDIVIDUAL DEVELOPMENT OR BEHAVIOR CHANGE OR FOR

MAKING DECISIONS ABOUT THE INDIVIDUAL, SUCH AS SELECTION; AND

~~(g) Forensic psychology, which is the science of psychology that deals with the relation and application of psychological research and knowledge to legal issues, including, but not limited to, assessments of competency in civil or criminal matters, legal questions of sanity, or civil commitment proceedings; THE SUPERVISION OF ANY OF THE PRACTICES DESCRIBED IN THIS SUBSECTION (2).~~

~~(h) Organizational psychology, which is the science of assessment and intervention by an employee within his or her organization or by a consultant retained by such organization;~~

~~(i) Community psychology, which is the science of psychology emphasizing prevention and early discovery of potential difficulties, rather than awaiting initiation of therapy by affected individuals or groups, and which is generally practiced outside of an office setting;~~

~~(j) Sports psychology, which is the science of psychology dealing with enhancement of athletic performance utilizing principles of psychological research, assessment, and knowledge;~~

~~(k) Psychoeducational evaluation, therapy, remediation, and consultation; and~~

~~(l) Research psychology, which is the application of research methodologies, statistics, and experimental design to psychological data.~~

SECTION 42. 12-43-306 (6), Colorado Revised Statutes, is amended to read:

12-43-306. Exemptions. (6) Nothing in this part 3 ~~shall be construed to prevent~~ PREVENTS the practice of psychotherapy by ~~unlicensed persons who are listed~~ REGISTERED with the state ~~grievance~~ board OF REGISTERED PSYCHOTHERAPISTS pursuant to section 12-43-702.5.

SECTION 43. 12-43-401 (8), Colorado Revised Statutes, is amended to read:

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

(8) "Licensed social worker" means a person licensed under ~~the provisions of this~~ part 4 AS A LICENSED SOCIAL WORKER.

SECTION 44. 12-43-402 (2), the introductory portion to 12-43-402 (3) (b), and 12-43-402 (3) (b) (II), Colorado Revised Statutes, are amended, and the said 12-43-402 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-43-402. State board of social work examiners. (2) (a) ~~Three~~ FOUR board members shall be licensed clinical social workers, at least two of whom shall be engaged in direct social work practice; except that, if, after a good-faith attempt, the governor determines that an applicant for membership on the board pursuant to this paragraph (a) who is engaged in direct social work practice is not available to serve

on the board for a particular term, the governor may appoint a licensed clinical social worker who is not engaged in direct social work practice.

(b) ~~Four~~ THREE board members shall be representatives of the general public. These individuals shall have never been a social worker, an applicant or former applicant for licensure as a social worker, a member of another mental health profession, or a member of a household that includes a social worker or a member of another mental health profession or otherwise have conflicts of interest or the appearance of such conflicts with his or her duties as a board member.

(3) (b) The terms of office of the members on the board ~~as of August 3, 2007, shall be~~ ARE modified as follows in order to ensure staggered terms of office:

(II) The initial term of office of one of the board members representing the general public whose initial term would otherwise expire on July 25, 2010, ~~shall expire~~ EXPIRES on June 30, 2008, and the board member ~~shall be~~ IS eligible to serve one additional four-year term commencing on July 1, 2008, and expiring on June 30, 2012. On and after the expiration of this board member's term ~~persons appointed~~ OR A VACANCY IN THIS POSITION, THE GOVERNOR SHALL APPOINT A LICENSED CLINICAL SOCIAL WORKER to this position on the board, ~~shall~~ WHO IS ELIGIBLE TO serve terms as described in paragraph (a) of this subsection (3) commencing on July 1 of the applicable year.

(7) WHEN PROFESSIONAL JUDGMENT SPECIFIC TO CLINICAL PRACTICE IS REQUIRED IN THE REVIEW OF ALLEGED VIOLATIONS OF SECTION 12-43-222, THE BOARD MAY APPOINT AN ADVISORY COMMITTEE OF CLINICAL PRACTITIONERS TO REVIEW AND MAKE RECOMMENDATIONS TO THE BOARD.

SECTION 45. 12-43-403 (1), (2) (t), and (2) (u), Colorado Revised Statutes, are amended, and the said 12-43-403 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-43-403. Social work practice defined. (1) For the purposes of this part 4, "social work practice" means the professional application of social work theory and methods by a graduate with a master's degree in social work OR a doctoral degree in social work or a bachelor's degree in social work from an accredited social work program, for the purpose of prevention, assessment, diagnosis, and intervention with individual, family, group, organizational, and societal problems, including alcohol and substance abuse and domestic violence, based on the promotion of biopsychosocial developmental processes, person-in environment transactions, and empowerment of the client system. Social work theory and methods are based on known accepted principles that are taught in professional schools of social work in colleges or universities accredited by the council on social work education.

(2) Professional social work practice may include, but is not limited to:

(t) Psychotherapy; ~~and~~

(u) Consultation, supervision, and teaching in higher education; AND

(v) COUNSELING.

SECTION 46. 12-43-405 (1) and (2), 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~~ LICENSE as a ~~licensed~~ social worker ~~and who has received a license~~ THAT WAS ISSUED 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". 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.

(2) Any person who possesses a valid, unsuspended, and unrevoked ~~certificate~~ LICENSE as a ~~licensed~~ clinical social worker ~~whose license~~ THAT was granted pursuant to ~~the provisions of~~ section 12-43-404 is entitled to engage in the private, independent practice of clinical social work and has the right to practice and supervise clinical social work practice and use the title "licensed clinical social worker", "clinical social worker", "social worker", or "licensed social worker", and the abbreviation "LCSW". 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 clinical social worker or social worker.

SECTION 47. 12-43-406 (2) and (5), Colorado Revised Statutes, are amended to read:

12-43-406. Scope of part. (2) No person may state that he or she is engaged in the practice of social work as a social worker, or refer to himself or herself as a social worker, unless ~~such~~ THE person is licensed ~~or registered~~ pursuant to this part 4 or possesses an earned social work degree, as defined in section 12-43-401 (11). No person may practice as a clinical social worker unless licensed pursuant to section 12-43-404 (2) or licensed ~~or registered~~ to practice social work and supervised pursuant to section 12-43-404 (1) or (2).

(5) Nothing in this part 4 ~~shall be construed to prevent~~ PREVENTS the practice of psychotherapy by ~~unlicensed persons who are listed~~ REGISTERED with the state ~~grievance board~~ BOARD OF REGISTERED PSYCHOTHERAPISTS pursuant to section 12-43-702.5.

SECTION 48. Repeal. 12-43-408 (1), Colorado Revised Statutes, is repealed as follows:

12-43-408. School social workers. (1) Any person who holds a valid master's degree in social work and has obtained the special services license with social work endorsement issued by the department of education pursuant to the "Colorado Educator Licensing Act of 1991", article 60.5 of title 22, C.R.S., shall be issued the "LSW" certificate upon application and payment of said fees and shall be subject to the provisions of this article.

SECTION 49. 12-43-409, Colorado Revised Statutes, is amended to read:

12-43-409. Clinical social work practice of psychotherapy. For the purpose

of licensure, the practice, UNDER THIS PART 4, of psychotherapy ~~under this part 4 shall be~~ AND OTHER CLINICAL ACTIVITIES WITHIN THE DEFINITION OF SOCIAL WORK PRACTICE IN SECTION 12-43-403 IS limited to licensed clinical social workers or licensed social workers supervised by licensed clinical social workers.

SECTION 50. 12-43-410, Colorado Revised Statutes, is amended to read:

12-43-410. Employees of social services. (1) Notwithstanding the exemption in section 12-43-215 (3), ~~no~~ AN employee of the department of human services, employee of a county department of social services, or personnel under the direct control or supervision of such departments, shall NOT state that he or she is engaged in the practice of social work as a social worker or refer to himself or herself as a social worker unless ~~such~~ THE person is licensed ~~or registered~~ pursuant to this part 4 or possesses an earned social work degree, as defined in section 12-43-401 (11).

(2) Notwithstanding the exemption in section 12-43-215 (3), any employee licensed ~~or registered~~ pursuant to ~~the provisions of~~ this article who is terminated from employment by the department of human services or a county department of social services is subject to review and disciplinary action by the board that licenses ~~registers~~, or regulates ~~such~~ THE employee.

(3) An employee of the state department of human services or a county department of social services who has earned a bachelor's or master's 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 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 51. 12-43-502 (2) (a), the introductory portion to 12-43-502 (4) (b), and 12-43-502 (4) (b) (III), Colorado Revised Statutes, are amended to read:

12-43-502. State board of marriage and family therapist examiners. (2) (a) The members of the board shall be appointed by the governor as follows:

(I) ~~Four~~ THREE members of the general public who are not regulated by this article; and

(II) ~~Three~~ FOUR marriage and family therapists.

(4) (b) The terms of office of the members on the board ~~as of August 3, 2007,~~ ~~shall be~~ ARE modified as follows in order to ensure staggered terms of office:

(III) The term of office of the one board member representing the general public who, as of August 12, 2009, would have served one full four-year term and one partial four-year term ~~shall expire~~ EXPIRES on July 31, 2009. This board member ~~shall be~~ IS eligible to serve one additional four-year term commencing on August 1, 2009, and expiring on July 31, 2013. On and after the expiration of this board member's term ~~persons appointed~~ OR A VACANCY IN THIS POSITION, THE GOVERNOR SHALL APPOINT A MARRIAGE AND FAMILY THERAPIST to this position on the board,

~~shall~~ WHO IS ELIGIBLE TO serve terms as described in paragraph (a) of this subsection (4) commencing on August 1 of the applicable year.

SECTION 52. 12-43-505 (5), Colorado Revised Statutes, is amended to read:

12-43-505. Rights and privileges of licensure and registration. (5) Nothing in this part 5 ~~shall be construed to prevent~~ PREVENTS the practice of psychotherapy by ~~unlicensed persons who are listed~~ REGISTERED with the state ~~grievance board~~ BOARD OF REGISTERED PSYCHOTHERAPISTS pursuant to section 12-43-702.5.

SECTION 53. 12-43-601 (2), (4), and (5), Colorado Revised Statutes, are amended to read:

12-43-601. Definitions. As used in this part 6, unless the context otherwise requires:

(2) ~~"Clinical mental health counseling" includes:~~

~~(a) Assessment, counseling activities, consultation, and referral; and~~

~~(b) Treatment, diagnosis, testing, assessment, psychotherapy, or counseling in a professional relationship to assist individuals or groups to alleviate mental and emotional disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors that interfere with effective emotional, social, or intellectual functioning.~~

(4) "Licensed professional counselor" means a professional counselor who practices professional counseling ~~or mental health counseling~~ and who is licensed pursuant to this part 6.

(5) (a) ~~"Professional counseling" means:~~

~~(I) Those activities that assist the person receiving counseling in developing an understanding of personal, emotional, social, educational, alcohol and substance abuse, domestic violence, and vocational development and in planning and effecting actions to increase functioning or gain control of his or her behavior in such areas. Such activities include, but are not limited to, skill-building in communications, decision-making, and problem-solving, clarifying values, promoting adaptation to loss and other life changes, developing social skills, restructuring cognitive patterns, defining educational and career goals, and facilitating adjustment to personal crises and conflicts.~~

~~(II) The selecting, administering, scoring, and interpreting of instruments designed to measure aptitudes, attitudes, abilities, achievements, interests, emotions, and other personal characteristics and includes the application of nonstandardized methods, such as interviews, to evaluate a person receiving counseling and to evaluate such personal and social functioning;~~

~~(III) A voluntary relationship between a counselor and a client in which the counselor assists a person, couple, group, or organization to cope with matters that include relationships, conflicts, problem-solving, decision-making, and~~

~~competencies by interpreting, reporting on, or applying counseling theory;~~

~~(IV) Rendering of or offering to render counseling services that facilitate effective personal, emotional, social, educational, and vocational development in individuals, couples, groups, and organizations, with an emphasis on the natural aspects of human development and with an educational orientation.~~

~~(b) Professional counseling follows a planned procedure of intervention that takes place on a regular basis, over a period of time, or in the cases of testing, assessment, and brief professional counseling, it can be a single intervention.~~

SECTION 54. 12-43-602 (2) (a), the introductory portion to 12-43-602 (4) (b), and 12-43-602 (4) (b) (II), Colorado Revised Statutes, are amended to read:

12-43-602. State board of licensed professional counselor examiners.

(2) (a) The members of the board shall be appointed by the governor as follows:

(I) ~~Four~~ THREE members of the general public who are not regulated under this article; and

(II) ~~Three~~ FOUR licensed professional counselors.

(4) (b) The terms of office of the members on the board ~~as of August 3, 2007, shall be~~ ARE modified as follows in order to ensure staggered terms of office:

(II) The term of office of the one board member representing the public whose initial term would otherwise expire on September 12, 2009, ~~shall expire~~ EXPIRES on August 31, 2009, and the board member ~~shall be~~ IS eligible to serve one additional four-year term, commencing on September 1, 2009, and expiring on August 31, 2013. On and after the expiration of this board member's term ~~persons appointed~~ OR A VACANCY IN THIS POSITION, THE GOVERNOR SHALL APPOINT A LICENSED PROFESSIONAL COUNSELOR to this position on the board, ~~shall~~ WHO IS ELIGIBLE TO serve terms as described in paragraph (a) of this subsection (4) commencing on September 1 of the applicable year.

SECTION 55. Part 6 of article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-43-602.5. Practice of licensed professional counseling defined. (1) FOR PURPOSES OF THIS PART 6, "PRACTICE OF LICENSED PROFESSIONAL COUNSELING" MEANS THE APPLICATION OF MENTAL HEALTH, PSYCHOLOGICAL, OR HUMAN DEVELOPMENT PRINCIPLES THROUGH COGNITIVE, AFFECTIVE, BEHAVIORAL, OR SYSTEMATIC INTERVENTION STRATEGIES THAT ADDRESS WELLNESS, PERSONAL GROWTH, OR CAREER DEVELOPMENT, AS WELL AS PATHOLOGY. A LICENSED PROFESSIONAL COUNSELOR MAY RENDER THE APPLICATION OF THESE PRINCIPLES TO INDIVIDUALS, COUPLES, FAMILIES, OR GROUPS.

(2) THE PRACTICE OF PROFESSIONAL COUNSELING MAY INCLUDE:

(a) EVALUATION;

- (b) ASSESSMENT;
- (c) TESTING;
- (d) DIAGNOSIS;
- (e) TREATMENT OR INTERVENTION;
- (f) PLANNING;
- (g) CONSULTATION;
- (h) CASE MANAGEMENT;
- (i) EDUCATION;
- (j) SUPERVISION;
- (k) PSYCHOTHERAPY;
- (l) RESEARCH;
- (m) REFERRAL; AND
- (n) CRISIS INTERVENTION.

SECTION 56. 12-43-604 (1), (2), and (4), Colorado Revised Statutes, are amended to read:

12-43-604. Rights and privileges of licensure. (1) Any person who possesses a valid, unsuspended, and unrevoked ~~certificate~~ LICENSE as a licensed professional counselor has the right to use the title for which he or she is licensed pursuant to section 12-43-603. A LICENSED professional counselor licensed pursuant to section 12-43-603 has the right to use the abbreviation "LPC". No other person shall assume this title or use this abbreviation on any work or letter, sign, figure, or device to indicate that the person using the same is a licensed professional counselor.

(2) Any person duly licensed as a licensed professional counselor ~~shall~~ IS not ~~be~~ required to obtain any other license or certification to practice professional counseling ~~as defined in section 12-43-601~~ unless otherwise required by the board of licensed professional counselor examiners.

(4) Nothing in this part 6 ~~shall be construed to prevent~~ PREVENTS the practice of psychotherapy by ~~unlicensed persons who are listed~~ REGISTERED with the state ~~grievance board~~ BOARD OF REGISTERED PSYCHOTHERAPISTS pursuant to section 12-43-702.5.

SECTION 57. 12-43-702 (1), (2), (3), (5), (6), and (7), Colorado Revised Statutes, are amended to read:

12-43-702. State board of registered psychotherapists - creation - subject to termination. (1) There is hereby created the state ~~grievance~~ board OF REGISTERED PSYCHOTHERAPISTS, which shall be under the supervision and control of the division of registrations as provided in section 24-34-102, C.R.S. The ~~grievance~~ board shall consist of seven members who are residents of the state of Colorado.

(2) ~~Four~~ THREE members of the ~~grievance~~ board shall be appointed by the governor from the general public who are not regulated by this article with a good faith effort to achieve broad-based geographical representation. Such members ~~shall~~ ARE ELIGIBLE TO serve terms of ~~three~~ FOUR years. ~~No such~~ A member ~~shall~~ MUST NOT have any direct involvement or interest in the provision of psychotherapy; except that such member may be or may have been a consumer of such services.

(3) ~~Three~~ FOUR members of the ~~grievance~~ board ~~shall~~ MUST be ~~unlicensed~~ REGISTERED psychotherapists. ~~shall be appointed by~~ The governor ~~and~~ shall APPOINT MEMBERS TO THE BOARD TO serve terms of four years.

(5) Members of the ~~grievance board~~ STATE BOARD OF REGISTERED PSYCHOTHERAPISTS appointed under subsection (2) or (3) of this section may serve two full consecutive terms.

(6) (a) Each member ~~shall~~ IS ELIGIBLE TO hold office until the expiration of his or her appointed term or until a successor is duly appointed. When the term of each ~~grievance~~ board member expires, the governor shall appoint his or her successor for a term of four years. Any vacancy occurring in the ~~grievance~~ board membership other than by the expiration of a term shall be filled by the governor by appointment for the unexpired term of such member.

(b) FOR PURPOSES OF APPOINTMENTS TO THE BOARD MADE ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, UPON THE OCCURRENCE OF A VACANCY IN A POSITION HELD BY A MEMBER REPRESENTING THE PUBLIC OR UPON THE EXPIRATION OF THE SECOND TERM OF OFFICE OF A MEMBER REPRESENTING THE PUBLIC, WHICHEVER OCCURS FIRST, THE GOVERNOR SHALL APPOINT A REGULATED PSYCHOTHERAPIST TO THAT POSITION ON THE BOARD, WHO IS ELIGIBLE TO SERVE TERMS AS DESCRIBED IN SUBSECTIONS (3) AND (5) OF THIS SECTION.

(c) The governor may remove any ~~grievance~~ board member for misconduct, incompetence, or neglect of duty. Actions constituting neglect of duty shall include, but not be limited to, the failure of board members to attend three consecutive meetings or at least three-quarters of the board's meetings in any one calendar year.

(7) A majority of the ~~grievance~~ board shall constitute a quorum for the transaction of all business.

SECTION 58. 12-43-709, Colorado Revised Statutes, is amended to read:

12-43-709. Expenses of the board. All reasonable expenses of the ~~grievance~~ board shall be paid as determined by the director of the division of registrations from the fees collected pursuant to section 12-43-204 as provided by law.

SECTION 59. 12-43-710, Colorado Revised Statutes, is amended to read:

12-43-710. Jurisdiction. If the licensee, registrant, ~~or unlicensed psychotherapist~~ OR CERTIFICATE HOLDER is regulated by more than one board, the investigation or case being adjudicated shall be referred to the board as determined APPROPRIATE by the director ~~of the division of registrations~~ for final adjudication.

SECTION 60. Repeal. 12-43-711, Colorado Revised Statutes, is repealed as follows:

12-43-711. Records. ~~The grievance board shall maintain records of all cases considered and decisions rendered by said board.~~

SECTION 61. 12-43-803, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12-43-803. Practice of addiction counseling defined - scope of practice.

(1) FOR THE PURPOSES OF THIS PART 8, "ADDICTION COUNSELING" MEANS THE APPLICATION OF GENERAL COUNSELING THEORIES AND TREATMENT METHODS ADAPTED SPECIFICALLY FOR WORKING WITH ADDICTIVE AND OTHER BEHAVIORAL HEALTH DISORDERS. ADDICTION COUNSELORS WORK IN A BROAD VARIETY OF DISCIPLINES BUT SHARE AN UNDERSTANDING OF THE ADDICTIVE PROCESS. AN ADDICTION COUNSELOR IDENTIFIES A VARIETY OF HELPING STRATEGIES THAT CAN BE TAILORED TO MEET THE NEEDS OF THE CLIENT. ADDICTION COUNSELING RELIES ON THE USE OF EVIDENCE-BASED PRACTICES THAT HAVE BEEN SHOWN TO BE EFFECTIVE IN TREATING ADDICTIVE DISORDERS.

(2) THE SCOPE OF PRACTICE OF ADDICTION COUNSELING FOCUSES ON THE FOLLOWING FOUR TRANS-DISCIPLINARY FOUNDATIONS THAT UNDERLIE THE WORK OF ALL ADDICTION COUNSELORS:

(a) **Understanding addiction:** INCLUDES KNOWLEDGE OF MODELS AND THEORIES OF ADDICTION; RECOGNITION OF SOCIAL, POLITICAL, ECONOMIC, AND CULTURAL CONTEXTS WITHIN WHICH ADDICTION EXISTS; UNDERSTANDING THE BEHAVIORAL, PSYCHOLOGICAL, PHYSICAL HEALTH, AND SOCIAL EFFECTS OF USING ADDICTIVE SUBSTANCES OR ENGAGING IN ADDICTIVE BEHAVIORS; AND RECOGNIZING AND UNDERSTANDING CO-OCCURRING DISORDERS.

(b) **Treatment knowledge:** INCLUDES THE PHILOSOPHIES, PRACTICES, POLICIES, AND OUTCOMES OF THE MOST GENERALLY ACCEPTED AND SCIENTIFICALLY SUPPORTED MODELS, ALONG WITH RESEARCH AND OUTCOME DATA, OF TREATMENT, RECOVERY, RELAPSE PREVENTION, AND CONTINUING CARE FOR ADDICTIVE DISORDERS. TREATMENT KNOWLEDGE INCLUDES THE ABILITY TO WORK EFFECTIVELY WITH FAMILIES, SIGNIFICANT OTHERS, SOCIAL NETWORKS, AND COMMUNITY SYSTEMS IN THE TREATMENT PROCESS AND UNDERSTANDING THE VALUE OF A MULTIDISCIPLINARY APPROACH TO ADDICTION TREATMENT.

(c) **Application to practice:** INCLUDES THE ABILITY TO PROPERLY DIAGNOSE BEHAVIORAL HEALTH DISORDERS USING APPROPRIATE ASSESSMENT AND TESTING INSTRUMENTS AND PLACEMENT CRITERIA; STABILIZATION TO REDUCE NEGATIVE EFFECTS OF PROBLEMATIC BEHAVIORS; DEVELOPING HELPING STRATEGIES AND TREATMENT LEVELS OF CARE BASED ON THE CLIENT'S STAGE OF READINESS FOR CHANGE; CULTURAL COMPETENCY; AND FAMILIARITY WITH MEDICAL AND

PHARMACOLOGICAL RESOURCES FOR TREATMENT.

(d) **Professional readiness:** INCLUDES AN UNDERSTANDING OF DIVERSE CULTURES; CULTIVATION OF A HIGH LEVEL OF SELF-AWARENESS; ABILITY TO USE CRITICAL THINKING SKILLS; ADHERENCE TO ETHICAL STANDARDS OF CONDUCT; ONGOING USE OF CLINICAL SUPERVISION AND CONSULTATION; CRISIS MANAGEMENT; AND KNOWLEDGE OF THE IMPORTANCE OF PREVENTION AND RECOVERY MANAGEMENT.

(3) THE PRIMARY PRACTICE DIMENSIONS OF ADDICTION COUNSELING INCLUDE THE FOLLOWING COMPETENCIES, AS APPROPRIATE BASED ON THE LEVEL OF CERTIFICATION OR LICENSURE AND SCOPE OF PRACTICE:

(a) CLINICAL EVALUATION, INCLUDING SCREENING AND ASSESSMENT;

(b) CLINICAL INTAKE, DISCHARGE, DISCHARGE PLANNING, AND REFERRAL;

(c) TREATMENT PLANNING;

(d) SERVICE COORDINATION, INCLUDING CLIENT ADVOCACY, CONTINUING CARE PLANNING, AND COLLABORATION WITH OTHER BEHAVIORAL HEALTH PROFESSIONALS;

(e) COUNSELING OF INDIVIDUALS, GROUPS, FAMILIES, COUPLES, AND SIGNIFICANT OTHERS;

(f) RECOVERY MANAGEMENT;

(g) CASE MANAGEMENT;

(h) CLIENT, FAMILY, AND COMMUNITY EDUCATION;

(i) DOCUMENTATION REQUIRED FOR A CLINICAL RECORD;

(j) PROFESSIONAL AND ETHICAL PRACTICES;

(k) CLINICAL SUPERVISION; AND

(l) INTERVENTION.

(4) **Scope of practice - licensed addiction counselors.** BASED ON EDUCATION, TRAINING, KNOWLEDGE, AND EXPERIENCE, THE SCOPE OF PRACTICE OF A LICENSED ADDICTION COUNSELOR INCLUDES BEHAVIORAL HEALTH COUNSELING AND MAY INCLUDE THE TREATMENT OF SUBSTANCE USE DISORDERS, ADDICTIVE BEHAVIORAL DISORDERS, AND CO-OCCURRING DISORDERS, INCLUDING CLINICAL EVALUATION AND DIAGNOSIS, TREATMENT PLANNING, SERVICE COORDINATION, CASE MANAGEMENT, CLINICAL DOCUMENTATION, PROFESSIONAL AND ETHICAL RESPONSIBILITIES, EDUCATION AND PSYCHOTHERAPY WITH CLIENTS, FAMILY, AND COMMUNITY, CLINICAL SUPERVISORY RESPONSIBILITIES, AND INTERVENTION.

SECTION 62. 12-43-804, Colorado Revised Statutes, is REPEALED AND

REENACTED, WITH AMENDMENTS, to read:

12-43-804. Requirements for licensure and certification - rules. (1) THE BOARD SHALL ISSUE A LICENSE AS AN ADDICTION COUNSELOR TO AN APPLICANT WHO FILES AN APPLICATION IN THE FORM AND MANNER REQUIRED BY THE BOARD, SUBMITS THE FEE REQUIRED BY THE BOARD PURSUANT TO SECTION 12-43-204, AND SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE:

(a) IS AT LEAST TWENTY-ONE YEARS OF AGE;

(b) IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULES PROMULGATED BY THE BOARD;

(c) HOLDS A MASTER'S OR DOCTORATE DEGREE IN THE BEHAVIORAL HEALTH SCIENCES FROM AN ACCREDITED SCHOOL, COLLEGE, OR UNIVERSITY OR AN EQUIVALENT PROGRAM AS DETERMINED BY THE BOARD;

(d) DEMONSTRATES PROFESSIONAL COMPETENCE BY:

(I) PASSING A NATIONAL EXAMINATION DEMONSTRATING SPECIAL KNOWLEDGE AND SKILLS IN BEHAVIORAL HEALTH DISORDERS COUNSELING AS DETERMINED BY THE DIVISION OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AND APPROVED BY THE BOARD; AND

(II) PASSING A JURISPRUDENCE EXAMINATION ADMINISTERED BY THE DIVISION.

(e) HAS MET THE REQUIREMENTS FOR A CERTIFICATE OF ADDICTION COUNSELING, LEVEL III;

(f) HAS COMPLETED THE NUMBER OF CLOCK HOURS OF ADDICTION-SPECIFIC TRAINING, AS SPECIFIED BY THE BOARD BY RULE, INCLUDING TRAINING IN EVIDENCE-BASED TREATMENT APPROACHES, CLINICAL SUPERVISION, ETHICS, AND CO-OCCURRING DISORDERS; AND

(g) HAS COMPLETED AT LEAST FIVE THOUSAND HOURS OF CLINICALLY SUPERVISED WORK EXPERIENCE.

(2) THE BOARD SHALL ISSUE A CERTIFICATION AS AN ADDICTION COUNSELOR TO AN APPLICANT WHO FILES AN APPLICATION IN THE FORM AND MANNER REQUIRED BY THE BOARD, SUBMITS THE FEE REQUIRED BY THE BOARD PURSUANT TO SECTION 12-43-204, AND SUBMITS EVIDENCE SATISFACTORY TO THE BOARD THAT HE OR SHE:

(a) IS AT LEAST EIGHTEEN YEARS OF AGE;

(b) IS NOT IN VIOLATION OF ANY PROVISION OF THIS ARTICLE OR ANY RULES PROMULGATED BY THE BOARD OR BY THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 27-80-108 (1) (e), C.R.S.;

(c) HAS MET THE REQUIREMENTS FOR CERTIFICATION AT A PARTICULAR CERTIFICATION LEVEL AS SPECIFIED IN RULES ADOPTED PURSUANT TO SUBSECTION (3) OF THIS SECTION BY THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT

OF HUMAN SERVICES.

(3) THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES SHALL PROMULGATE RULES, WITH APPROVAL OF THE BOARD, FOR CERTIFICATION OF ADDICTION COUNSELORS IN ACCORDANCE WITH SECTION 27-80-108 (1) (e), C.R.S.

(4) NOTHING IN THIS PART 8 PREVENTS MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THE LAWS OF THIS STATE FROM RENDERING SERVICES WITHIN THEIR SCOPE OF PRACTICE AS SET FORTH IN THE STATUTES REGULATING THEIR PROFESSIONAL PRACTICES SO LONG AS THEY DO NOT REPRESENT THEMSELVES TO BE CERTIFIED OR LICENSED ADDICTION COUNSELORS.

SECTION 63. Part 8 of article 43 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-43-804.5. Rights and privileges of certification and licensure. (1) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND UNREVOKED CERTIFICATE AS A LEVEL I, II, OR III CERTIFIED ADDICTION COUNSELOR HAS THE RIGHT TO PRACTICE ADDICTION COUNSELING UNDER SUPERVISION OR CONSULTATION AS REQUIRED BY THE RULES OF THE STATE BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES; A LEVEL III CERTIFIED ADDICTION COUNSELOR HAS THE RIGHT TO SUPERVISE ADDICTION COUNSELING PRACTICE; AND ALL LEVELS OF CERTIFICATION HAVE THE RIGHT TO USE THE TITLE "CERTIFIED ADDICTION COUNSELOR" AND THE ABBREVIATIONS "CAC I", "CAC II", OR "CAC III", AS APPLICABLE. NO OTHER PERSON SHALL ASSUME THESE TITLES OR USE THESE ABBREVIATIONS ON ANY WORK OR MEDIA TO INDICATE THAT THE PERSON USING THE TITLE OR ABBREVIATION IS A CERTIFIED ADDICTION COUNSELOR.

(2) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND UNREVOKED LICENSE AS AN ADDICTION COUNSELOR HAS THE RIGHT TO PRACTICE ADDICTION COUNSELING AND TO USE THE TITLE "LICENSED ADDICTION COUNSELOR" OR THE ABBREVIATION "LAC". NO OTHER PERSON SHALL ASSUME THESE TITLES OR USE THESE ABBREVIATIONS ON ANY WORK OR MEDIA TO INDICATE THAT THE PERSON USING THE TITLE OR ABBREVIATION IS A LICENSED ADDICTION COUNSELOR.

SECTION 64. 12-43-805 (1), (2) (a), and (3), Colorado Revised Statutes, are amended to read:

12-43-805. Continuing professional competency - rules - repeal. (1) (a) In accordance with sections 12-43-803 and 12-43-804, the ~~director~~ BOARD 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~~ BOARD, in consultation with the ~~alcohol and drug abuse~~ division OF BEHAVIORAL HEALTH 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~~ SATISFIES 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~~ BOARD; or

(III) An entity approved by the ~~director~~ BOARD.

(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.

(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.

SECTION 65. The introductory portion to 10-16-104 (5) and 10-16-104 (5) (b) (III), Colorado Revised Statutes, are amended to read:

10-16-104. Mandatory coverage provisions - definitions. (5) Mental illness. Every small group policy providing hospitalization or medical benefits by an entity subject to the provisions of part 2 or 3 of this article ~~shall~~ **MUST** provide benefits for conditions arising from mental illness at least equal to the following:

(b) (III) For purposes of this subsection (5), "licensed clinical social worker" means a person who is licensed as a clinical social worker under part 4 of article 43 of title 12, C.R.S., and who has at least five years of experience in psychotherapy, as defined in section ~~12-43-701 (3)~~ 12-43-201, C.R.S., under appropriate supervision, beyond a master's degree; "licensed professional counselor" means a person who is licensed as a professional counselor under part 6 of article 43 of title 12, C.R.S., and who has at least five years of experience in psychotherapy, as defined in section ~~12-43-701 (3)~~ 12-43-201, C.R.S., under appropriate supervision, beyond a master's degree; and "licensed marriage and family therapist" means a person who is licensed as a marriage and family therapist under part 5 of article 43 of title 12, C.R.S., and who has at least five years of experience in psychotherapy, as defined in section ~~12-43-701 (3)~~ 12-43-201, C.R.S., under appropriate supervision, beyond a master's degree.

SECTION 66. The introductory portion to 13-4-102 (2) and 13-4-102 (2) (s), Colorado Revised Statutes, are amended to read:

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

(s) Review final actions and orders 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;~~

SECTION 67. 13-21-115.5 (3) (c) (II) (P) and (3) (c) (II) (S), Colorado Revised Statutes, are amended 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:

(P) A licensed professional counselor governed by ~~the provisions of~~ article 43 of title 12, C.R.S., ~~performing~~ PRACTICING professional counseling as defined in section ~~12-43-601 (5);~~ 12-43-602.5, C.R.S., as a volunteer for a nonprofit organization, a nonprofit corporation, a governmental entity, or a hospital;

(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~~ 12-43-803, C.R.S., as a volunteer for a nonprofit organization, a nonprofit corporation, a governmental entity, or a hospital.

SECTION 68. 13-90-107 (1) (g), Colorado Revised Statutes, is amended to read:

13-90-107. Who may not testify without consent. (1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

(g) A licensed psychologist, professional counselor, marriage and family therapist, social worker, ~~unlicensed~~ OR ADDICTION COUNSELOR, A REGISTERED psychotherapist, or ~~licensed~~ A CERTIFIED addiction counselor shall not be examined without the consent of ~~such~~ THE licensee's, CERTIFICATE HOLDER'S, or ~~unlicensed~~ ~~psychotherapist's~~ REGISTRANT'S client as to any communication made by the client to ~~such~~ THE licensee, or ~~unlicensed~~ ~~psychotherapist~~ CERTIFICATE HOLDER, OR REGISTRANT or ~~such~~ THE licensee's, CERTIFICATE HOLDER'S, or ~~unlicensed~~ ~~psychotherapist's~~ REGISTRANT'S advice given ~~thereon~~ in the course of professional employment; nor shall any secretary, stenographer, or clerk employed by a licensed psychologist, professional counselor, marriage and family therapist, social worker, ~~unlicensed~~ OR ADDICTION COUNSELOR, A REGISTERED psychotherapist, or ~~licensed~~ A CERTIFIED addiction counselor be examined without the consent of the employer of ~~such~~ THE secretary, stenographer, or clerk concerning any fact, the knowledge of which ~~such~~ THE employee has acquired in such capacity; nor shall any person who has participated in any psychotherapy, conducted under the supervision of a person authorized by law to conduct such therapy, including ~~but not limited to~~ group therapy sessions, be examined concerning any knowledge gained during the course of such therapy without the consent of the person to whom the testimony sought relates.

SECTION 69. The introductory portion to 18-3-405.5 (4) and 18-3-405.5 (4) (b), Colorado Revised Statutes, are amended to read:

18-3-405.5. Sexual assault on a client by a psychotherapist. (4) As used in this section, unless the context ~~requires otherwise~~ OTHERWISE REQUIRES:

(b) "Psychotherapist" means any person who performs or purports to perform psychotherapy, whether ~~or not such~~ THE person is licensed OR REGISTERED by the state pursuant to title 12, C.R.S., or certified by the state pursuant to part 5 of article 1 of title 25, C.R.S.

SECTION 70. The introductory portion to 19-1-307 (2) (e.5) (I) and 19-1-307 (2) (e.5) (I) (G), Colorado Revised Statutes, are amended to read:

19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty. (2) **Records and reports - access to certain persons - agencies.** Except as otherwise provided in section 19-1-303, only the following persons or agencies shall be given access to child abuse or neglect records and reports:

(e.5) (I) A mandatory reporter specified in this subparagraph (I) who is and continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report, but only with regard to information that the mandatory reporter has a need to know in order to fulfill his or her professional and

official role in maintaining the child's safety. A county department may request written affirmation from a mandatory reporter stating that the reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report and describing the nature of the involvement. This subparagraph (I) ~~shall apply~~ APPLIES to:

(G) ~~Unlicensed~~ REGISTERED psychotherapists;

SECTION 71. The introductory portion to 19-3-304 (2) and 19-3-304 (2) (z), Colorado Revised Statutes, are amended to read:

19-3-304. Persons required to report child abuse or neglect. (2) Persons required to report such abuse or neglect or circumstances or conditions ~~shall include~~ INCLUDES any:

(z) ~~Unlicensed~~ REGISTERED psychotherapists;

SECTION 72. 24-1-122 (3) (II), Colorado Revised Statutes, is amended, and the said 24-1-122 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-1-122. Department of regulatory agencies - creation. (3) The following boards and agencies are transferred by a **type 1** transfer to the department of regulatory agencies and allocated to the division of registrations:

(II) State ~~grievance~~ board OF REGISTERED PSYCHOTHERAPISTS, created by part 7 of article 43 of title 12, C.R.S.

(mm) STATE BOARD OF ADDICTION COUNSELOR EXAMINERS, CREATED BY PART 8 OF ARTICLE 43 OF TITLE 12, C.R.S.

SECTION 73. 24-34-105 (2) (b) (I), Colorado Revised Statutes, is amended to read:

24-34-105. Fee adjustments - division of registrations cash fund created - legal defense account. (2) (b) (I) Based upon the appropriation made and subject to the approval of the executive director of the department of regulatory agencies, each board or commission shall adjust its fees so that the revenue generated from said fees approximates its direct and indirect costs; except that the costs of the state board of psychologist examiners, the state board of marriage and family therapist examiners, the state board of licensed professional counselor examiners, the state board of social work examiners, ~~and~~ the state ~~grievance~~ board OF REGISTERED PSYCHOTHERAPISTS, AND THE STATE BOARD OF ADDICTION COUNSELOR EXAMINERS shall be considered collectively in the renewal fee-setting process. Subsequent revenue generated by the fees set by such boards plus revenues generated pursuant to section 12-43-702.5, C.R.S., shall be compared to those collective costs to determine recovery of direct and indirect costs. Such fees shall remain in effect for the fiscal year for which the budget request applies. All fees collected by each board and commission, not including any fees retained by contractors as established pursuant to the provisions of section 24-34-101 (10), shall be transmitted to the state treasurer, who shall credit the same to the division of registrations cash fund, which

fund is hereby created. All moneys credited to the division of registrations cash fund shall be used as provided in this section and shall not be deposited in or transferred to the general fund of this state or any other fund.

SECTION 74. 24-34-110 (3) (a) (XVII), (3) (a) (XVIII), and (3) (b), Colorado Revised Statutes, are amended, and the said 24-34-110 (3) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

24-34-110. Medical transparency act of 2010 - disclosure of information about health care licensees - fines - rules - short title - legislative declaration.

(3) (a) As used in this section, "applicant" means a person applying for a new, active license, certification, or registration or to renew, reinstate, or reactivate an active license, certification, or registration to practice:

(XVII) Professional counseling pursuant to part 6 of article 43 of title 12, C.R.S.;
and

~~(XVIII) Addiction counseling pursuant to part 8 of article 43 of title 12, C.R.S.~~
PSYCHOTHERAPY PURSUANT TO PART 7 OF ARTICLE 43 OF TITLE 12, C.R.S.; AND

(XIX) ADDICTION COUNSELING PURSUANT TO PART 8 OF ARTICLE 43 OF TITLE 12,
C.R.S.

~~(b) "Applicant" includes an unlicensed therapist engaged in the practice of psychotherapy who is obligated to comply with recording requirements pursuant to section 12-43-702.5, C.R.S.~~

SECTION 75. 27-65-105 (1) (a) (II) (D), Colorado Revised Statutes, is amended to read:

27-65-105. 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, OR ADDICTION COUNSELOR licensed under ~~the provisions of part 5, or 6, OR 8 of article 43 of title 12, C.R.S., or an addiction counselor licensed pursuant to section 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 76. The introductory portion to 30-10-606 (6) (a) and 30-10-606 (6) (a) (II), Colorado Revised Statutes, are amended to read:

30-10-606. Coroner - inquiry - grounds - postmortem - jury - certificate of death. (6) (a) Notwithstanding ~~the provisions of sections 12-43-218 and 13-90-107 (1) (d) or (1) (g), C.R.S.,~~ the coroner holding an inquest or investigation pursuant to this section has the authority to request and receive a copy of:

(II) Any information, record, or report related to treatment, consultation, counseling, or therapy services from any licensed psychologist, professional counselor, marriage and family therapist, social worker, OR addiction counselor, CERTIFIED ADDICTION COUNSELOR, or ~~unlicensed~~ REGISTERED psychotherapist if ~~such~~ THE report, record, or information is relevant to the inquest or investigation.

SECTION 77. 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 executive director's office, for the fiscal year beginning July 1, 2011, the sum of two hundred seventy-one thousand eighty-eight dollars (\$271,088) cash funds, or so much thereof as may be necessary, to be allocated as follows:

- (a) \$176,088 for legal services; and
- (b) \$95,000 for information technology asset maintenance.

(2) 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 personal services and operating expenses, for the fiscal year beginning July 1, 2011, the sum of two hundred sixty-one thousand five hundred forty dollars (\$261,540) cash funds and 3.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2011, the sum of one hundred seventy-six thousand eighty-eight dollars (\$176,088) and 1.4 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 78. Effective date. This act shall take effect July 1, 2011.

SECTION 79. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 2011