

**ARTICLE 42 295  
PSYCHIATRIC TECHNICIANS**

<del>12-42-101.</del> <b>12-295-101.</b>	Legislative declaration.
<b>12-295-102.</b>	<i>Applicability of common provisions.</i>
<del>12-42-102.</del> <b>12-295-103.</b>	Definitions.
<del>12-42-103.</del> <b>12-295-104.</b>	State board of nursing - repeal of article - review of licensing and regulation functions.
<del>12-42-104.</del> <b>12-295-105.</b>	Application for license.
<del>12-42-105.</del> <b>12-295-106.</b>	License by examination.
<del>12-42-106.</del> <b>12-295-107.</b>	Examinations - <u>issuance of license after examination.</u> <{ <b><i>Moved 12-42-107 to this section</i></b> }>
<del>12-42-107.</del>	<del>Issuance of license after examination.</del> <{ <b><i>Moved to 12-295-107 (3)</i></b> }>
<del>12-42-108.</del>	<del>License by waiver and examination. (Repealed)</del>
<del>12-42-109.</del> <b>12-295-108.</b>	License by endorsement.
<del>12-42-110.</del>	<del>Disposition of fees.</del>
<del>12-42-111.</del> <b>12-295-109.</b>	Accredited psychiatric technician educational program.
<del>12-42-112.</del> <b>12-295-110.</b>	Renewal of license.
<del>12-42-113.</del> <b>12-295-111.</b>	Grounds for discipline.
<del>12-42-114.</del> <b>12-295-112.</b>	Withholding or denial of license - hearing.
<del>12-42-115.</del>	<del>Mental or physical examination of licensees - review of medical records. (Repealed)</del>
<del>12-42-115.3.</del> <b>12-295-113.</b>	Disciplinary proceedings.
<del>12-42-115.5.</del> <b>12-295-114.</b>	Immunity in professional review.
<del>12-42-115.7.</del> <b>12-295-115.</b>	Surrender of license.
<del>12-42-115.9.</del> <b>12-295-116.</b>	Judicial review.
<del>12-42-116.</del> <b>12-295-117.</b>	Exclusions. <{ <b><i>Moved 12-42-117 to this section</i></b> }>
<del>12-42-117.</del>	<del>Religious exclusions.</del> <{ <b><i>Moved to 12-295-117 (3)</i></b> }>
<del>12-42-118.</del> <b>12-295-118.</b>	Unauthorized practice - <u>penalties.</u> <{ <b><i>Moved 12-42-119 (2) to this section</i></b> }>
<del>12-42-119.</del>	<del>Unauthorized practice - penalties.</del> <{ <b><i>Moved to 12-295-118 (2)</i></b> }>
<del>12-42-120.</del> <b>12-295-119.</b>	Professional nursing and the practice of a psychiatric technician - <u>other groups.</u> <{ <b><i>Moved 12-42-121 to this section</i></b> }>
<del>12-42-121.</del>	<del>Other groups.</del> <{ <b><i>Moved to 12-295-119 (1)(b)</i></b> }>

1           **12-295-101. [Formerly 12-42-101] Legislative declaration.** It is declared to be the  
2 policy of the state of Colorado that, in order to safeguard life, health, property, and the  
3 public welfare of the people of the state of Colorado, and in order to protect the people of  
4 the state of Colorado against unauthorized, unqualified, and improper application of  
5 interpersonal psychiatric nursing relationships, it is necessary that a proper regulatory  
6 authority be established, and adequately provided for. Any person who practices as a  
7 psychiatric technician without qualifying for proper registration, and without submitting to  
8 the regulations provided in this article **295**, endangers the public health thereby.

9  
10           **12-295-102. Applicability of common provisions.** ARTICLES 1, 20, AND 30 OF THIS  
11 TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 295.

12  
13           **12-295-103. [Formerly 12-42-102] Definitions.** As used in this article ~~42~~ **295**, unless  
14 the context otherwise requires:

15           (1) "Accredited psychiatric technician education program" means a course of training  
16 conducted by a school for the training of psychiatric technicians carrying out the basic  
17 curriculum prescribed by this article **295** and accredited by the board.

18           (2) "Board" means the state board of nursing.

19           (3) "Person" includes an individual, firm, partnership, association, or corporation.

20           (4) The practice as a "psychiatric technician" means the performance for  
21 compensation of selected acts requiring interpersonal and technical skills and includes the  
22 administering of selected treatments and selected medications prescribed by a licensed  
23 physician or dentist, in the care of and in the observation and recognition of symptoms and  
24 reactions of a patient with a behavioral or mental health disorder or an intellectual and  
25 developmental disability under the direction of a licensed physician and the supervision of  
26 a registered professional nurse. The selected acts in the care of a patient with a behavioral  
27 or mental health disorder or an intellectual and developmental disability must not require the  
28 substantial specialized skill, judgment, and knowledge required in professional nursing.

29  
30           **12-295-104. [Formerly 12-42-103] State board of nursing - repeal of article -**  
31 **review of licensing and regulation functions.** (1) The licensing and regulation of  
32 psychiatric technicians shall be under the control of the board.

33           (2) ~~(a)~~ This article **295** is repealed, effective July 1, 2019.

34           ~~(b) Prior to such~~ BEFORE ITS repeal, the licensure and regulation functions of the  
35 state board of nursing shall be reviewed as provided in ARE SCHEDULED FOR REVIEW IN  
36 ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

37  
38           **12-295-105. [Formerly 12-42-104] Application for license.** (1) Every applicant for

1 license as a psychiatric technician shall file a written application on forms provided by the  
2 board.

3 (2) Every applicant shall accompany ~~his~~ THE application with a license fee  
4 established pursuant to section ~~24-34-105, C.R.S.~~ **12-20-105**, together with a statement of  
5 whether or not ~~he~~ THE APPLICANT has been convicted of a felony or a misdemeanor  
6 involving moral turpitude.

7 (3) Every person licensed under this article **295** shall be known as a licensed  
8 psychiatric technician and may place the letters "L.P.T." after his OR HER name. ~~Said~~ THE  
9 term or ~~said~~ THE abbreviation shall not be used to identify anyone not licensed under this  
10 article **295**. The terms "psychiatric technician", "psychiatric aide", "trained psychiatric  
11 technician", or "graduate psychiatric technician" shall for the purposes of this article **295** be  
12 deemed synonymous with the term "psychiatric technician", and none of ~~said~~ THE terms shall  
13 be used to identify anyone not licensed under this article **295**.

14  
15 **12-295-106. [Formerly 12-42-105] License by examination.** (1) Every applicant  
16 for license by examination shall submit written evidence, verified by oath, and satisfactory  
17 to the board that ~~said~~ THE applicant:

18 (a) Has not committed an act ~~which~~ THAT would be grounds for disciplinary action  
19 against a licensee under this article **295**;

20 (b) Has completed a four-year high school course or the equivalent thereof; and

21 (c) Has completed the required accredited psychiatric technician educational program  
22 and holds a diploma from a state accredited program.

23  
24 **12-295-107. Examinations - issuance of license after examination.** (1) [Formerly  
25 **12-42-106 (1)**] All applicants, unless licensed by endorsement, shall be required to pass a  
26 written examination.

27 (2) [Formerly **12-42-106 (2)**] Examinations shall be held within the state, at least  
28 once a year, at such times and places as the board shall determine.

29 (3) [Formerly **12-42-107**] The board shall issue a license to each applicant who  
30 passes the examination and who is not otherwise disqualified to receive a license under the  
31 provisions of this article **295**.

32  
33 ~~**12-42-107. Issuance of license after examination.** The board shall issue a license  
34 to each applicant who passes the examination and who is not otherwise disqualified to  
35 receive a license under the provisions of this article. <{Moved to 12-295-107 (3), above.}>~~

36  
37 ~~**12-42-108. License by waiver and examination. (Repealed)**~~  
38

1           **12-295-108. [Formerly 12-42-109] License by endorsement.** The board may issue  
2 a license without examination to an applicant who is licensed or otherwise registered as a  
3 psychiatric technician by another state or a territory of the United States if the requirements  
4 for license or registration in ~~such~~ THE OTHER state or territory are substantially equal to the  
5 requirements in this article **295**; but in no event shall an applicant be required to meet  
6 qualifications higher than those in force in this state at the time of his OR HER application for  
7 license in this state. Every applicant under this section shall state under oath that he OR SHE  
8 has not committed an act ~~which~~ THAT would be grounds for disciplinary action under this  
9 article **295** and that ~~he~~ THE APPLICANT has completed a four-year high school course of study  
10 or the equivalent thereof.

11  
12           ~~**12-42-110. Disposition of fees.** All fees collected by the board under the provisions  
13 of this article shall be transmitted to the state treasurer, who shall credit the same pursuant  
14 to section 24-34-105, C.R.S. <{*Redundant with disposition of fees common provision,*  
15 *12-20-105. Recommend repeal.*}>~~

16  
17           **12-295-109. [Formerly 12-42-111] Accredited psychiatric technician educational  
18 program.** (1) (a) Any institution within the state of Colorado desiring to conduct an  
19 accredited preservice psychiatric technician educational program may apply to the board and  
20 submit evidence that it is prepared to carry out a psychiatric technician curriculum that  
21 contains theoretical content and clinical practice to prepare the psychiatric technician student  
22 to care for clients with intellectual and developmental disabilities or behavioral or mental  
23 health disorders in institutional and community settings.

24           (b) Content in a psychiatric technician educational program must include but is not  
25 limited to:

26           (I) Fundamental nursing principles and skills;  
27           (II) Growth and developmental and other physical and behavioral skills;  
28           (III) Intellectual and developmental disabilities theory and rehabilitation nursing  
29 principles and skills if the technician is to be licensed to care for clients with intellectual and  
30 developmental disabilities; and  
31           (IV) Psychopathology and psychiatric nursing principles and skills if the technician  
32 is to be licensed to care for clients with behavioral or mental health disorders.

33           (2) A survey of the institution and its entire psychiatric technician educational  
34 program shall be made by the executive secretary or other authorized board employee. ~~Such~~  
35 THE survey may be conducted in conjunction with an authorized consultant appointed by the  
36 board. The persons making ~~such~~ THE survey shall submit a written report of the survey to  
37 the board. One or more board members may participate in any ~~such~~ survey.

38           (3) If the requirements of this article ~~42~~ **295** for an accredited psychiatric technician

1 educational program are met, the institution must be accredited as a psychiatric technician  
2 educational program for psychiatric technicians for work with patients with mental health  
3 disorders or intellectual and developmental disabilities, for so long as ~~such~~ THE institution  
4 meets the requirements of this article ~~42~~ **295**.

5 (4) The board shall examine, from time to time, the accredited psychiatric technician  
6 educational programs of all institutions in the state having such programs. ~~Such~~ THE  
7 examinations shall be made by the executive secretary or other authorized representative of  
8 the board, and the results thereof shall be submitted to the board in the form of written  
9 reports. If the board determines that an institution having an accredited psychiatric  
10 technician educational program is not maintaining the standards required by this article **295**,  
11 notice thereof in writing specifying the defect shall be served on ~~such~~ THE institution by  
12 certified mail, postage prepaid, return receipt requested. If the institution receiving ~~such~~ THE  
13 notice fails within one year after mailing of ~~such~~ THE notice to correct the conditions  
14 complained of therein, its authority to conduct an accredited psychiatric technician  
15 educational program shall be revoked by the board. An institution shall have the right, at any  
16 time before the expiration of one year from the date it receives ~~such~~ THE notice, to demand  
17 and be granted a hearing before the board. In case of ~~such~~ A demand, no action shall be  
18 taken by the board until after the hearing.

19  
20 **12-295-110. [Formerly 12-42-112] Renewal of license.** (1) ~~To renew A license~~  
21 ~~issued pursuant to this article a licensee shall submit an application for renewal pursuant to~~  
22 ~~a schedule established by the director of the division of professions and occupations within~~  
23 ~~the department of regulatory agencies, and the license shall be renewed or reinstated~~  
24 ~~pursuant to section 24-34-102 (8), C.R.S. The director of the division of professions and~~  
25 ~~occupations may establish renewal fees and delinquency fees for reinstatement pursuant to~~  
26 ~~section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the~~  
27 ~~schedule established by the director of the division of professions and occupations, such~~  
28 ~~license shall expire~~ **295 IS SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND**  
29 **DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202 (1) AND (2).** Any person  
30 whose license has expired shall be subject to the penalties provided in this article **295** or  
31 ~~section 24-34-102 (8), C.R.S. **12-20-202 (1).**~~ <{**Redundant with renewal / reinstatement**

32 **/ fees common provision, 12-20-202. Recommend amending as indicated.**>

33 (2) (Deleted by amendment, L. 2004, p. 1848, § 99, effective August 4, 2004.)

34 (3) (2) A person who is not engaged as a psychiatric technician in the state shall not  
35 be required to pay a renewal fee for so long as he OR SHE does not so practice, but shall  
36 notify the board of his OR HER inactive status in writing. Prior to resumption of the practice  
37 as a psychiatric technician ~~such~~ THE person shall be required to notify the board and remit  
38 a renewal fee for the current annual period. After a five-year period in an inactive status,

1 ~~such~~ THE license may be renewed only by complying with the provisions in this article **295**  
2 relating to the issuance of an original license. <{Start referencing inactive status common  
3 provision?}>  
4

5 **12-295-111. [Formerly 12-42-113] Grounds for discipline.** (1) "Grounds for  
6 discipline", as used in this article ~~42~~ **295**, means any action by any person who:

7 (a) Has procured or attempted to procure a license by fraud, deceit,  
8 misrepresentation, misleading omission, or material misstatement of fact;

9 (b) (I) Has been convicted of a felony or any crime that would constitute a violation  
10 of this article **295**.

11 (II) ~~(A)~~ For purposes of this ~~paragraph (b)~~ SUBSECTION (1)(b), a conviction includes  
12 a plea of guilty or nolo contendere or the imposition of a sentence that is deferred prior to  
13 final sentencing or dismissal with prejudice.

14 ~~(B)~~ (III) A certified copy of the judgment of a court of competent jurisdiction of ~~such~~  
15 THE conviction or plea shall be prima facie evidence of ~~such~~ THE conviction.

16 ~~(H)~~ ~~Repealed.~~

17 (c) Has willfully or negligently acted in a manner inconsistent with the health or  
18 safety of persons under his OR HER care;

19 (d) Has had a license to practice as a psychiatric technician or any other health care  
20 occupation suspended or revoked in any jurisdiction. A certified copy of the order of  
21 suspension or revocation shall be prima facie evidence of ~~such~~ THE suspension or  
22 revocation.

23 (e) Has violated any provision of this article **295** or has aided or knowingly permitted  
24 any person to violate any provision of this article **295**;

25 (f) Has negligently or willfully practiced as a psychiatric technician in a manner  
26 ~~which~~ THAT fails to meet generally accepted standards for ~~such~~ THE practice;

27 (g) Has negligently or willfully violated any order OR rule ~~or regulation~~ of the board  
28 pertaining to practice or licensure as a psychiatric technician;

29 (h) Has falsified or in a negligent manner made incorrect entries or failed to make  
30 essential entries on patient records;

31 (i) Has an alcohol use disorder, as defined in section 27-81-102, or a substance use  
32 disorder, as defined in section 27-82-102, is a habitual user of controlled substances, as  
33 defined in section 18-18-102 (5), or other drugs having similar effects, or is diverting  
34 controlled substances, as defined in section 18-18-102 (5), or other drugs having similar  
35 effects from the licensee's place of employment; except that the board has the discretion not  
36 to discipline the licensee if ~~such~~ THE licensee is participating in good faith in an alcohol or  
37 substance use disorder treatment program approved by the board;

38 (j) Has a physical disability or an intellectual and developmental disability that

1 renders him or her unable to practice as a psychiatric technician with reasonable skill and  
2 safety to the patients and which may endanger the health or safety of persons under his or  
3 her care;

4 (k) Has violated the confidentiality of information or knowledge as prescribed by law  
5 concerning any patient;

6 (l) Has engaged in any conduct ~~which~~ THAT would constitute a crime as defined in  
7 title 18, ~~C.R.S.~~, and which conduct relates to ~~such~~ THE person's employment as a psychiatric  
8 technician;

9 (m) Willfully fails to respond in a materially factual and timely manner to a  
10 complaint issued pursuant to section ~~12-38-116.5 (3)~~ **12-255-119 (3)**;

11 (n) Fraudulently obtains, sells, transfers, or furnishes any psychiatric technician  
12 diploma, license, renewal of license, or record, or aids or abets another in ~~such~~ THE activity;

13 (o) Advertises, represents, or holds himself or herself out in any manner as a  
14 psychiatric technician or practices as a psychiatric technician without having a license to  
15 practice as a psychiatric technician issued under this article **295**;

16 (p) Uses in connection with his or her name any designation tending to imply that  
17 he or she is a licensed psychiatric technician without having a license issued under this  
18 article **295**; or

19 (q) Practices as a psychiatric technician during the time his or her license is  
20 suspended or revoked.

21 ~~(2) to (6) Repealed.~~

22  
23 **12-295-112. [Formerly 12-42-114] Withholding or denial of license - hearing.**

24 (1) The board is empowered to determine summarily whether an applicant for a license to  
25 practice as a psychiatric technician possesses the qualifications required by this article **295**  
26 or whether there is probable cause to believe that an applicant has done any of the acts set  
27 forth in section ~~12-42-113~~ **12-295-111** as grounds for discipline. As used in this section,  
28 "applicant" does not include a renewal applicant.

29 (2) If the board determines that an applicant does not possess the qualifications  
30 required by this article **295** or that probable cause exists to believe that an applicant has done  
31 any of the acts set forth in section ~~12-42-113~~ **12-295-111**, the board may withhold or deny  
32 the applicant a license. In such instance, the provisions of section 24-4-104 (9) ~~C.R.S.~~, shall  
33 apply, and the board shall provide ~~such~~ THE applicant with a statement in writing setting  
34 forth the basis of the board's determination that the applicant does not possess the  
35 qualifications required by this article **295** or the factual basis for probable cause that the  
36 applicant has done any of the acts set forth in section ~~12-42-113~~ **12-295-111**.

37 (3) If the applicant requests a hearing pursuant to the provisions of section 24-4-104  
38 (9) ~~C.R.S.~~, and fails to appear without good cause at ~~such~~ THE hearing, the board may affirm

1 its prior action of withholding or denial without conducting a hearing.

2 (4) Following a hearing, the board shall affirm, modify, or reverse its prior action in  
3 accordance with its findings at ~~such~~ THE hearing.

4 (5) No action shall lie against the board for ~~the~~ withholding or ~~denial of~~ DENYING a  
5 license without a hearing in accordance with the provisions of this section if the board acted  
6 reasonably and in good faith.

7 (6) At ~~such~~ THE hearing, the applicant shall have the burden of proof to show that  
8 he OR SHE possesses the qualifications required for licensure under this article 295. The  
9 board shall have the burden of proof to show commission of acts set forth in section  
10 ~~12-42-113~~ **12-295-111**.

11  
12 ~~12-42-115. Mental or physical examination of licensees - review of medical~~  
13 ~~records. (Repealed)~~

14  
15 **12-295-113. [Formerly 12-42-115.3] Disciplinary proceedings.** Disciplinary  
16 proceedings under this article 295 shall be conducted pursuant to section ~~12-38-116.5~~  
17 **12-255-119**.

18  
19 **12-295-114. [Formerly 12-42-115.5] Immunity in professional review.** (1) If a  
20 professional review committee is established pursuant to section ~~12-38-109~~ **12-255-108** to  
21 investigate the quality of care being given by a person licensed pursuant to this article 295,  
22 it shall include in its membership at least three persons licensed in the same category as the  
23 licensee under review, but ~~such~~ THE committee may be authorized to act only by the board.

24 (2) ~~IN ADDITION TO THE PERSONS SPECIFIED IN SECTION 12-20-402, any member of~~  
25 ~~the board or of a professional review committee, any member of the board's or A committee's~~  
26 ~~staff, AND any person acting as a witness or consultant to the board or A committee any~~  
27 ~~witness testifying in a proceeding authorized under this article, and any person who lodges~~  
28 ~~a complaint pursuant to this article shall be immune from liability in any civil action brought~~  
29 ~~against him or her for acts occurring while acting in his or her capacity as board or~~  
30 ~~committee member, staff, consultant, or witness, respectively, if such individual was acting~~  
31 ~~in good faith within the scope of his or her respective capacity, made a reasonable effort to~~  
32 ~~obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief~~  
33 ~~that the action taken by him or her was warranted by the facts. Any person participating in~~  
34 ~~good faith in lodging a complaint or participating in any investigative or administrative~~  
35 ~~proceeding pursuant to this article shall be immune from any civil or criminal liability that~~  
36 ~~may result from such participation~~ IS GRANTED THE SAME IMMUNITY, AND IS SUBJECT TO THE  
37 SAME CONDITIONS FOR IMMUNITY, AS SPECIFIED IN SECTION 12-20-402. <{*Somewhat*  
38 *redundant with immunity common provision, section 12-20-402. Recommend amending*



1 *as indicated.*>

2  
3 **12-295-115. [Formerly 12-42-115.7] Surrender of license.** (1) Prior to the  
4 initiation of an investigation or hearing, any licensee may surrender his OR HER license to  
5 practice as a psychiatric technician.

6 (2) Following the initiation of an investigation or hearing and upon a finding that to  
7 do so would be in the public interest, the board may allow a licensee to surrender his OR HER  
8 license to practice.

9 (3) The board shall not issue a license to a former licensee whose license has been  
10 surrendered unless the licensee meets all of the requirements of this article **295** for a new  
11 applicant, including ~~the~~ passing of an examination.

12 (4) The surrender of a license in accordance with this section removes all rights and  
13 privileges to practice as a psychiatric technician, including renewal of a license.

14  
15 **12-295-116. [Formerly 12-42-115.9] Judicial review.** ~~The court of appeals shall~~  
16 ~~have initial jurisdiction to SECTION 12-20-408 GOVERNS JUDICIAL review OF all final actions~~  
17 ~~and orders OF THE BOARD that are subject to judicial review. of the board. Such proceedings~~  
18 ~~shall be conducted in accordance with section 24-4-106 (11), C.R.S. <{Redundant with~~  
19 ~~judicial review common provision, 12-20-408. Recommend amending as indicated.}~~>

20  
21 **12-295-117. Exclusions.** (1) ~~[Formerly 12-42-116 (1)]~~ This article ~~42~~ **295** does not  
22 affect or apply to the gratuitous care of a person with a behavioral or mental health disorder  
23 by friends or members of the family or to any person taking care of a person with a  
24 behavioral or mental health disorder for hire who does not represent himself or herself or  
25 hold himself or herself out to the public as a trained or licensed psychiatric technician; but  
26 a person for hire shall not hold himself or herself out as or perform the full duties of a  
27 psychiatric technician who is not a psychiatric technician licensed under the provisions of  
28 this article ~~42~~ **295**.

29 (2) **[Formerly 12-42-116 (2)]** This article **295** shall not be construed to prohibit:

30 (a) The practice as a psychiatric technician by students enrolled in an accredited  
31 psychiatric technician educational program or by graduates of ~~such~~ AN accredited psychiatric  
32 technician educational program pending the results of the first licensing examination  
33 scheduled by the board following their graduation.

34 (b) **[Formerly 12-42-116 (3)(a)]** Practical nursing; subsidiary workers in hospitals  
35 or similarly related institutions from assisting in the nursing care of patients where adequate  
36 medical and nursing supervision is provided;

37 (c) **[Formerly 12-42-116 (3)(b)]** Subsidiary workers in the offices of persons  
38 licensed to practice medicine or dentistry in this state from assisting in the care of patients

1 under the personal and responsible supervision and direction of ~~such~~ THOSE persons; or

2 (d) [Formerly 12-42-116 (3)(c)] The practice of any legally qualified psychiatric  
3 technician of this state or another state who is employed by the United States government  
4 or any bureau, division, or agency thereof while in the discharge of his OR HER official  
5 duties.

6 (3) [Formerly 12-42-117] No provision of this article 295 shall be construed as  
7 applying to any sanitarium, nursing home, or rest home conducted in accordance with the  
8 practice of the tenets of any religious denomination in which persons of good faith rely  
9 solely upon spiritual means or prayer in the free exercise of religion to prevent or cure  
10 disease.

11  
12 ~~12-42-117. Religious exclusions. No provision of this article shall be construed as~~  
13 ~~applying to any sanitarium, nursing home, or rest home conducted in accordance with the~~  
14 ~~practice of the tenets of any religious denomination in which persons of good faith rely~~  
15 ~~solely upon spiritual means or prayer in the free exercise of religion to prevent or cure~~  
16 ~~disease. <{Moved to 12-295-117 (3)}>~~

17  
18 **12-295-118. Unauthorized practice - penalties.** (1) [Formerly 12-42-118] The  
19 practice as a psychiatric technician by any person who has not been issued a license under  
20 the provisions of this article 295, or whose license has been suspended or revoked, or has  
21 expired, is hereby declared to be inimical to the general public welfare and to constitute a  
22 public nuisance.

23 (2) [Formerly 12-42-119 (2)] Any person who practices or offers or attempts to  
24 practice as a psychiatric technician without an active license issued under this article  
25 commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501,  
26 C.R.S., for the first offense, and for the second or any subsequent offense, the person  
27 commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.  
28 295 IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a). <{Redundant with  
29 unauthorized practice common provision, 12-20-407. Recommend amending as  
30 indicated.>

31  
32 ~~12-42-119. Unauthorized practice - penalties.~~

33 (1) ~~Repealed.~~

34 (2) ~~Any person who practices or offers or attempts to practice as a psychiatric~~  
35 ~~technician without an active license issued under this article commits a class 2 misdemeanor~~  
36 ~~and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and~~  
37 ~~for the second or any subsequent offense, the person commits a class 6 felony and shall be~~  
38 ~~punished as provided in section 18-1.3-401, C.R.S.~~

1           (3) ~~(Deleted by amendment, L. 2006, p. 93, § 48, effective August 7, 2006.)~~  
2 <{12-42-119 (2) moved to 12-295-118 (2), above}>  
3

4           **12-295-119. Professional nursing and the practice of a psychiatric technician -**  
5 **other groups.** (1) [Formerly 12-42-120] Nothing in this article 295 shall be construed:

6           (a) [Formerly 12-42-120] As conferring any authority to practice medicine or  
7 professional nursing or to undertake the treatment or care of disease, pain, injury, deformity,  
8 or physical or mental condition in violation of the law of this state.

9           (b) [Formerly 12-42-121] ~~Nothing in this article shall be construed~~ To enlarge or  
10 detract from the rights, powers, and duties of any other licensed business, occupation, or  
11 profession.  
12

13           ~~**12-42-121. Other groups.** Nothing in this article shall be construed to enlarge or~~  
14 ~~detract from the rights, powers, and duties of any other licensed business, occupation, or~~  
15 ~~profession.~~ <{Moved to 12-295-119 (1)(b), above.}>

S:\LLS\Title 12\Title 12 Bills\2019 session\Practice Acts\Health Care\Drafts to  
Distribute\October 31 Meeting\Article 295\_PsychiatricTechs.wpd