

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0986.01 Kristen Forrestal x4217

HOUSE BILL 21-1305

HOUSE SPONSORSHIP

Michaelson Jenet and Pelton,

SENATE SPONSORSHIP

Winter,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PRACTICE OF MENTAL HEALTH PROFESSIONALS,**
102 **AND, IN CONNECTION THEREWITH, CLARIFYING EDUCATION AND**
103 **HOURS OF PRACTICE REQUIRED FOR LICENSURE OR**
104 **CERTIFICATION AS AN ADDICTION COUNSELOR; AND**
105 **ESTABLISHING SUPERVISION PRIVILEGES FOR CERTIFIED AND**
106 **LICENSED ADDICTION COUNSELORS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- Exempts conviction records of mental health providers from the "Colorado Open Records Act" if the conviction records meet specified criteria;
- Allows a licensed, registered, or certified mental health provider to petition the applicable board to have a letter of admonition issued by the board sealed and made confidential except under certain circumstances. Each board has the sole discretion to determine whether to approve or deny the petition and the board's determination is final.
- Specifies criteria that a board must consider when making its determination;
- Provides exceptions as to when a board may unseal or share a letter of admonition;
- Specifies title use restrictions for certified addiction specialists, certified addiction technicians, and addiction counselor candidates;
- Establishes supervision privileges for licensed and certified addiction counselors; and
- Clarifies the education and hours of practice required to be certified or licensed as an addiction counselor and the scope of practice of licensed addiction counselors.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, 12-245-218, **amend**

4 (1)(a) as follows:

5 **12-245-218. Title use restrictions.** (1) A psychologist, social
 6 worker, marriage and family therapist, professional counselor,
 7 psychotherapist, or addiction counselor may only use the title for which
 8 the person is licensed, certified, or registered under this article 245.

9 Except as provided in section 12-245-306 (3), no other person shall:

10 (a) Hold himself or herself out to the public by any title or
 11 description of services incorporating the terms "licensed clinical social
 12 worker", "clinical social worker", "LCSW", "licensed social worker",
 13 "LSW", "clinical social worker candidate", "provisional social worker",

1 "SWP", "marriage and family therapist", "LMFT", "MFT", "marriage and
2 family therapist candidate", "MFT candidate", "MFTC", "professional
3 counselor", "licensed professional counselor", "LPC", "licensed
4 professional counselor candidate", "LPCC", "provisional licensed
5 professional counselor", "psychologist", "provisional psychologist",
6 "psychologist candidate", "psychology", "psychological", "unlicensed
7 psychotherapist", "addiction counselor", "licensed addiction counselor",
8 "LAC", ~~"certified addiction counselor", or "CAC"~~ "CERTIFIED ADDICTION
9 SPECIALIST", "CAS", "CERTIFIED ADDICTION TECHNICIAN", "CAT", OR
10 "ADDICTION COUNSELOR CANDIDATE"; or

11

SECTION 2. In Colorado Revised Statutes, 12-245-803, **amend**

13 (4) as follows:

14 **12-245-803. Practice of addiction counseling defined - scope of**
15 **practice. (4) Scope of practice - licensed addiction counselors.** Based
16 on education, training, knowledge, and experience, the scope of practice
17 of a licensed addiction counselor includes behavioral health counseling
18 and may include the treatment of substance use disorders, addictive
19 behavioral disorders, and co-occurring MENTAL HEALTH disorders,
20 including clinical evaluation and diagnosis, treatment planning, service
21 coordination, case management, clinical documentation, professional and
22 ethical responsibilities, education and psychotherapy with clients, family,
23 and community, clinical supervisory responsibilities, and intervention.

24 **SECTION 3.** In Colorado Revised Statutes, 12-245-804, **amend**
25 (1)(e), (1)(g), (3.5)(a) introductory portion, (3.5)(a)(I), (3.5)(b)
26 introductory portion, (3.5)(b)(I), and (3.5)(b)(II) as follows:

27 **12-245-804. Requirements for licensure, certification, and**

1 **registration - rules.** (1) The board shall issue a license as an addiction
2 counselor to an applicant who files an application in the form and manner
3 required by the board, submits the fee required by the board pursuant to
4 section 12-245-205, and submits evidence satisfactory to the board that
5 the applicant:

6 (e) Has met the EDUCATION requirements ~~for a certificate of~~
7 ~~addiction specialist~~ SPECIFIED IN THE RULES PROMULGATED BY THE STATE
8 BOARD OF HUMAN SERVICES IN THE DEPARTMENT OF HUMAN SERVICES
9 PURSUANT TO SECTION 27-80-108 (1)(e);

10 (g) Has completed at least ~~three~~ TWO thousand DIRECT CLINICAL
11 hours of clinically supervised work experience in the addiction field. ~~with~~
12 ~~a minimum of two thousand direct clinical hours.~~ The clinical supervision
13 may be in-person or telesupervision.

14 (3.5) In the rules promulgated pursuant to subsection (3) of this
15 section, the board shall require that:

16 (a) A certified addiction technician HAVE:

17 (I) ~~Have~~ A high school diploma or its equivalent;

18 (b) A certified addiction specialist HAVE:

19 (I) ~~Have~~ A bachelor's degree in a ~~clinical~~ behavioral health
20 concentration OR HUMAN SERVICES EQUIVALENT;

21 (II) Accrued a minimum of ~~two~~ THREE thousand hours of
22 supervised clinic work hours over a minimum of ~~twelve~~ EIGHTEEN
23 months, which may include the ONE THOUSAND hours required ACCRUED
24 for certification as a certified addiction ~~specialist~~ TECHNICIAN;

25 **SECTION 4.** In Colorado Revised Statutes, 12-245-805, **amend**
26 (3)(a)(V); and **add** (2.5) as follows:

27 **12-245-805. Rights and privileges of certification and licensure**

1 - **titles.** (2.5) (a) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED,
2 AND UNREVOKED CERTIFICATE AS A CERTIFIED ADDICTION SPECIALIST MAY
3 PROVIDE CLINICAL SUPERVISION FOR CERTIFICATION PURPOSES TO A
4 PERSON WORKING TOWARD CERTIFICATION AS A CERTIFIED ADDICTION
5 TECHNICIAN OR A CERTIFIED ADDICTION SPECIALIST.

6 (b) ANY PERSON WHO POSSESSES A VALID, UNSUSPENDED, AND
7 UNREVOKED LICENSE AS AN ADDICTION COUNSELOR MAY PROVIDE
8 CLINICAL SUPERVISION FOR LICENSURE OR CERTIFICATION PURPOSES TO
9 PERSONS WORKING TOWARD LICENSURE AS A LICENSED ADDICTION
10 COUNSELOR, CERTIFICATION AS AN ADDICTION SPECIALIST OR TECHNICIAN,
11 OR OTHER CREDENTIAL AS AUTHORIZED BY THIS ARTICLE 245 OR BY RULE
12 OF THE BOARD.

13 (3) (a) The practice of a certified addiction technician may
14 include:

15 (V) ~~Co-facilitating~~ FACILITATING PSYCHOEDUCATION AND therapy
16 groups with ~~certified addiction specialists or licensed addiction~~
17 ~~counselors~~ APPROPRIATE TRAINING AND CLINICAL SUPERVISION AND
18 WITHIN A TREATMENT OR HEALTH FACILITY LICENSED PURSUANT TO
19 SECTION 25-1.5-103;

20 **SECTION 5.** In Colorado Revised Statutes, 27-80-108, **amend**
21 (2) as follows:

22 **27-80-108. Rules.** (2) In the rules promulgated pursuant to
23 subsection (1)(e) of this section, the state board of human services shall
24 ~~require the following~~ INCLUDE education requirements FOR CERTIFIED
25 ADDICTION TECHNICIANS, CERTIFIED ADDICTION SPECIALISTS, AND
26 LICENSED ADDICTION COUNSELORS.

27 (a) ~~For certified addiction technicians:~~

1 ~~(I) Completion of course work and training in addiction~~
2 ~~counseling, client records management, principles of addiction,~~
3 ~~professional ethics, culturally informed treatment, pharmacology,~~
4 ~~motivational interviewing, trauma-informed care, and group counseling~~
5 ~~skills; and~~

6 ~~(H) Other courses and training as determined by the state board of~~
7 ~~human services.~~

8 ~~(b) For certified addiction specialists:~~

9 ~~(I) Completion of course work and training in clinical assessment~~
10 ~~and treatment planning, cognitive behavioral therapy, co-occurring~~
11 ~~disorders, advanced pharmacology, advanced professional ethics,~~
12 ~~advanced motivational interviewing, advanced models, specialized~~
13 ~~addiction treatment, and infectious diseases; and~~

14 ~~(H) Other courses and training as determined by the state board of~~
15 ~~human services.~~

16 **SECTION 6. Effective date.** This act takes effect July 1, 2021.

17 **SECTION 7. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.