

CHAPTER 98

HUMAN SERVICES - BEHAVIORAL HEALTH

HOUSE BILL 16-1103

BY REPRESENTATIVE(S) Kraft-Sharp and Landgraf, Becker K., Ginal, Lontine, Roupe, Ryden, Williams, Young, Hullinghorst; also SENATOR(S) Martinez Humenik and Todd, Aguilar, Heath, Kerr, Merrifield, Newell, Tate, Woods.

AN ACT**CONCERNING CLARIFYING LICENSE PATHWAYS FOR THE MENTAL HEALTH PROFESSIONAL WORKFORCE.**

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

SECTION 1. In Colorado Revised Statutes, 12-43-304, **amend** (7) (b) as follows:

12-43-304. Qualifications - examinations - licensure. (7) (b) A psychologist candidate registered pursuant to this subsection (7) ~~is not required to~~ IS UNDER THE JURISDICTION OF THE STATE BOARD OF PSYCHOLOGIST EXAMINERS. THE PSYCHOLOGIST CANDIDATE MAY, BUT IS NOT REQUIRED TO, register with the database of registered psychotherapists pursuant to section 12-43-702.5. ~~and is under the jurisdiction of the state board of psychologist examiners.~~ If 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 expires and is not renewable unless the board, in its discretion, grants the candidate an extension. A person whose psychologist candidate registration expires is not precluded from applying for licensure or registration with any other mental health board for which the person is qualified.

SECTION 2. In Colorado Revised Statutes, 12-43-404, **add** (8) as follows:

12-43-404. Qualifications - examination - licensure and registration. (8) A PERSON LICENSED AS A LICENSED SOCIAL WORKER PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY, BUT IS NOT REQUIRED TO, REGISTER WITH THE DATABASE OF REGISTERED PSYCHOTHERAPISTS PURSUANT TO SECTION 12-43-702.5.

SECTION 3. In Colorado Revised Statutes, 12-43-504, **amend** (5) (b) as

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

follows:

12-43-504. Qualifications - examination - licensure and registration.

(5) (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~~ MAY, BUT IS NOT REQUIRED TO, register with the database of registered psychotherapists pursuant to section 12-43-702.5.

SECTION 4. In Colorado Revised Statutes, 12-43-603, **amend** (5) (b) as follows:

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

(5) (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~~ MAY, BUT IS NOT REQUIRED TO, register with the database of registered psychotherapists pursuant to section 12-43-702.5.

SECTION 5. In Colorado Revised Statutes, 12-43-702.5, **add** (1.5) as follows:

12-43-702.5. Database of registered psychotherapists - unauthorized practice - penalties - data collection. (1.5) A PERSON WHO IS LICENSED PURSUANT TO PART 3, 4, 5, 6, OR 8 OF THIS ARTICLE; IS REGISTERED AS A PSYCHOLOGIST CANDIDATE, LICENSED SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST CANDIDATE, OR PROFESSIONAL COUNSELOR CANDIDATE; OR IS ENROLLED IN A PROFESSIONAL TRAINING PROGRAM AT AN APPROVED SCHOOL AND ACTIVELY WORKING TOWARD ACQUIRING AND DEMONSTRATING THE NECESSARY QUALIFICATIONS FOR LICENSURE SET FORTH IN SECTION 12-43-304, 12-43-404, 12-43-504, 12-43-603, OR 12-43-804 MAY, BUT IS NOT REQUIRED TO, REGISTER WITH THE DATABASE OF REGISTERED PSYCHOTHERAPISTS.

SECTION 6. In Colorado Revised Statutes, 12-43-214, **amend** (1) (b) (II) as follows:

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

(b) (II) A listing of any degrees, credentials, certifications, registrations, and licenses held or ~~obtained~~ COMPLETED 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~~ COMPLETE the degree, ~~credentials, certifications, registrations, or licenses~~ CREDENTIAL, CERTIFICATION, REGISTRATION, OR LICENSE;

SECTION 7. In Colorado Revised Statutes, 12-43-304, **amend** (1) (c) as follows:

12-43-304. Qualifications - examinations - licensure. (1) The board shall issue a license as a psychologist to each applicant who files an application in a form and

manner required by the board, submits the fee required by the board pursuant to section 12-43-204, and furnishes evidence satisfactory to the board that he or she:

(c) ~~Holds~~ HAS COMPLETED a doctorate degree with a major in psychology, or the equivalent to such major as determined by the board, from an approved school;

SECTION 8. In Colorado Revised Statutes, 12-43-306, **amend** (1) as follows:

12-43-306. Exemptions. (1) Nothing in this part 3 shall be construed to prevent the teaching of psychology, or the conduct of psychological research, if ~~such~~ THE teaching or research does not involve the delivery or supervision of direct psychological services to individuals who are themselves, rather than a third party, the intended beneficiaries of ~~such~~ THE services without regard to the source or extent of payment for services rendered. Nothing in this part 3 ~~shall prevent~~ PREVENTS the provision of expert testimony by psychologists who are exempted by this part 3. ~~Persons holding~~ A PERSON WHO HAS COMPLETED an earned doctoral degree in psychology from an approved school may use the title "psychologist" in conjunction with the activities permitted in this subsection (1).

SECTION 9. In Colorado Revised Statutes, 12-43-401, **amend** (11) as follows:

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

(11) "Social worker" means a person who ~~possesses~~ HAS COMPLETED an earned master's or bachelor's degree in social work from a social work education program accredited by the council on social work education, or a doctoral degree in social work from a doctoral program within a social work education program accredited by the council on social work education, and who is practicing within the scope of section 12-43-403.

SECTION 10. In Colorado Revised Statutes, 12-43-403, **amend** (1) as follows:

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~~ PERSON WHO HAS COMPLETED 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.

SECTION 11. In Colorado Revised Statutes, 12-43-404, **amend** (1) introductory portion, (1) (b), (2) introductory portion, and (2) (b) as follows:

12-43-404. Qualifications - examination - licensure and registration. (1) The board shall license as a licensed social worker ~~any~~ A person who files an application

in a 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:

(b) Has ~~obtained~~ COMPLETED a master's degree from a graduate school of social work; and

(2) The board shall license as a licensed clinical social worker ~~any~~ A person who files an application, in a 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:

(b) Has ~~obtained~~ COMPLETED a master's or doctorate degree from a graduate school of social work;

SECTION 12. In Colorado Revised Statutes, 12-43-405, **amend** (5) as follows:

12-43-405. Rights and privileges of licensure and a social work degree.

(5) Any person ~~possessing~~ WHO HAS COMPLETED an earned master's or bachelor's degree in social work from a social work education program accredited by the council on social work education, or a doctoral degree in social work from a doctoral program within a social work education program accredited by the council on social work education, has the right to practice social work and to use the title "social worker". Only a person licensed as a clinical social worker or practicing under the supervision of a licensed clinical social worker may assert that he or she is practicing clinical social work or use the title of "clinical social worker".

SECTION 13. In Colorado Revised Statutes, 12-43-406, **amend** (2) as follows:

12-43-406. Scope of part. (2) ~~No~~ A person may 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 the person is licensed pursuant to this part 4 or ~~possesses~~ HAS COMPLETED an earned social work degree, as defined in section 12-43-401 (11). ~~No~~ A person may NOT practice as a clinical social worker unless licensed pursuant to section 12-43-404 (2) or licensed to practice social work and supervised pursuant to section 12-43-404 (1) or (2).

SECTION 14. In Colorado Revised Statutes, **amend** 12-43-407 as follows:

12-43-407. Exemptions. Nothing in this part 4 shall be construed to prevent the teaching of social work, or the conduct of social work research, if ~~such~~ THE teaching or research does not involve the delivery or supervision of direct social work services to individuals who are themselves, rather than a third party, the intended beneficiaries of ~~such~~ THE services without regard to the source or extent of payment for services rendered. Nothing in this part 4 ~~shall prevent~~ PREVENTS the provision of expert testimony by social workers who are exempted by this part 4. ~~Persons holding~~ A PERSON WHO HAS COMPLETED an earned doctoral degree in social work from an approved school may use the title "social worker" in conjunction with activities permitted in this section.

SECTION 15. In Colorado Revised Statutes, 12-43-410, **amend** (1) and (3) as

follows:

12-43-410. Employees of social services. (1) Notwithstanding the exemption in section 12-43-215 (3), an employee of the department of human services, employee of a county department of HUMAN OR social services, or personnel under the direct control or supervision of ~~such~~ THOSE 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 the person is licensed pursuant to this part 4 or ~~possesses~~ HAS COMPLETED an earned social work degree, as defined in section 12-43-401 (11).

(3) An employee of the state department of human services or a county department of HUMAN OR social services who has ~~earned~~ COMPLETED 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 HUMAN OR 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 16. In Colorado Revised Statutes, 12-43-504, **amend** (1) (c) and (1) (d) as follows:

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 in a form and manner required by the board, submits the fee required by the board pursuant to section 12-43-204, and furnishes evidence satisfactory to the board that he or she:

(c) ~~Holds~~ HAS COMPLETED a master's or doctoral degree from an accredited school or college in marriage and family therapy or its equivalent as determined by the board, ~~such degree to include~~ AND THE DEGREE INCLUDES a practicum or internship in the principles and practice of marriage and family therapy;

(d) Subsequent to ~~receiving~~ COMPLETING his or her master's or doctoral degree, has had at least two years of post-master's or one year postdoctoral practice in individual and marriage and family therapy, including at least one thousand five hundred hours of face-to-face direct client contact as determined by the board for the purpose of assessment and intervention under board-approved supervision; and

SECTION 17. In Colorado Revised Statutes, 12-43-603, **amend** (1) (c) as follows:

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 in a form and manner required by the board, submits the fee required by the board pursuant to section 12-43-204, and furnishes evidence satisfactory to the board that he or she:

(c) ~~Holds~~ HAS COMPLETED a master's or doctoral degree in professional

counseling from an accredited school or college or an equivalent program as determined by the board. ~~Such~~ THE degree or program ~~shall~~ MUST include a practicum or internship in the principles and the practice of professional counseling.

SECTION 18. In Colorado Revised Statutes, 12-43-804, **amend** (1) (c) as follows:

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:

(c) ~~Holds~~ HAS COMPLETED 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;

SECTION 19. Effective date. This act takes effect January 1, 2017.

SECTION 20. 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: April 15, 2016