

## CHAPTER 124

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**ADMINISTRATIVE RULE REVIEW**

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## SENATE BILL 21-152

BY SENATOR(S) Lee and Gardner, Buckner, Cooke, Rodriguez, Holbert;  
also REPRESENTATIVE(S) Herod and Soper, Snyder, Van Winkle, Weissman, Duran, Gray, Mullica, Ricks, Williams.

**AN ACT****CONCERNING IMPLEMENTATION OF THE COMMITTEE ON LEGAL SERVICES' RECOMMENDATIONS  
IN CONNECTION WITH LEGISLATIVE REVIEW OF STATE AGENCIES' RULES.**

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

**SECTION 1. Extension of rules scheduled for expiration May 15, 2021 - exceptions.** (1) Except as indicated, the expiration of all rules of agencies in the following principal departments, which rules were adopted or amended on or after November 1, 2019, and before November 1, 2020, and that are therefore scheduled for expiration May 15, 2021, is postponed:

- (a) Department of agriculture;
- (b) Department of corrections;
- (c) Department of education; except that the following rule of the state board of education concerning administration of the public school transportation fund (1 CCR 301-14) is not extended: Rule 2251-R-2.02(1), which states in part "A district annually shall submit a form CDE-40 no later than August 15 ...";
- (d) Department of health care policy and financing;
- (e) Department of higher education;
- (f) Department of human services;
- (g) Department of labor and employment;
- (h) Department of law;

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

- (i) Department of local affairs;
- (j) Department of military and veterans affairs;
- (k) Department of natural resources;
- (l) Department of personnel;

(m) Department of public health and environment; except that the following rule of the air quality control commission concerning stationary source permitting and air pollutant emission notice requirements (5 CCR 1001-5) is not extended: Rule II.A.2.a., which states in part "Owners or operators of well production facilities for which commencement of operation occurs after January 1, 2020, must ...";

(n) Department of public safety;

(o) Department of regulatory agencies; except that the following rules are not extended:

(I) The following rules of the state board of social work examiners concerning social work examiners rules and regulations (4 CCR 726-1):

(A) Rule 1.12 C., which states in part "Criteria. In accordance with 12-20-202 (3)(d), C.R.S., the Board has established the following criteria for determining whether an applicant possesses experience and credentials ...";

(B) Rule 1.12 D., which states in part "Licenses, certifications, or registrations from outside the United States. Applicants who are licensed, certified, listed or registered ..."; and

(C) Rule 1.23 E.4, which states "The licensee or certificate holder does not have a direct treatment relationship or have direct contact with the patient.";

(II) The following rules of the board of licensed professional counselor examiners concerning licensed professional counselor examiners rules and regulations (4 CCR 737-1):

(A) Rule 1.12 C., which states in part "Criteria. In accordance with 12-20-202 (3)(d), C.R.S., the Board has established the following criteria for determining whether an applicant possesses experience and credentials ...";

(B) Rule 1.12 D., which states in part "Licenses, certifications, or registrations from outside the United States. Applicants who are licensed, certified, listed or registered ..."; and

(C) Rule 1.23 E.4, which states "The licensee or certificate holder does not have a direct treatment relationship or have direct contact with the patient.";

(III) Rule 1.35 E.4 of the board of chiropractic examiners concerning chiropractic examiners rules and regulations (3 CCR 707-1), which states "The licensee does not

have a direct treatment relationship or have direct contact with the patient.";

(IV) The following rules of the board of psychologist examiners concerning psychologist examiners rules and regulations (3 CCR 721-1):

(A) Rule 1.12 C., which states in part "Criteria. In accordance with section 12-20-202 (3)(d) C.R.S., the Board has established the following criteria for determining whether an applicant possesses experience and credentials ...";

(B) Rule 1.12 D., which states in part "Licenses, certifications, or registrations from outside the United States. Applicants who are licensed, certified, listed or registered ..."; and

(C) Rule 1.22 E.4, which states "The licensee does not have a direct treatment relationship or have direct contact with the patient.";

(V) The following rules of the board of addiction counselor examiners concerning board of addiction counselor examiners rules (4 CCR 744-1):

(A) Rule 1.12 D., which states in part "Licenses, certifications, or registrations from outside the United States."; and

(B) Rule 1.23 E.4, which states "The licensee does not have a direct treatment relationship or have direct contact with the patient.";

(VI) Rule 1.6 E.4 of the state physical therapy board concerning physical therapy rules and regulations (4 CCR 732-1), which states "The licensee or certificate holder does not have a direct treatment relationship or have direct contact with the patient.";

(VII) Rule 1.16 E.4 of the board of unlicensed psychotherapists concerning unlicensed psychotherapists rules and regulations (4 CCR 734-1), which states "The registrant does not have a direct treatment relationship or have direct contact with the patient.";

(VIII) Rule 1.12 E.4 of the director of the division of professions and occupations in the department of regulatory agencies (director) for the office of acupuncture licensure concerning acupuncture licensure rules and regulations (4 CCR 738-1), which states "The provider does not have a direct treatment relationship or have direct contact with the patient.";

(IX) Rule 1.24 E.4 of the director for the office of direct-entry midwives registration concerning midwives registration rules and regulations (4 CCR 739-1), which states "The provider does not have a direct treatment relationship or have direct contact with the patient.";

(X) The following rules of the board of marriage and family therapist examiners concerning marriage and family therapist examiners rules and regulations (4 CCR 736-1):

(A) Rule 1.12 C., which states in part "Criteria. In accordance with 12-20-202

(3)(d), C.R.S., the Board has established the following criteria for determining whether an applicant possesses experience and credentials ...";

(B) Rule 1.12 D., which states in part "Licenses, certifications, listings or registrations from outside the United States. Applicants who are licensed, certified, listed or registered ..."; and

(C) Rule 1.22 E.4, which states "The licensee does not have a direct treatment relationship or have direct contact with the patient.";

(XI) The following rules of the director for the office of barber and cosmetology licensure concerning barber and cosmetology licensure rules and regulations (4 CCR 731-1):

(A) Rule 1.4 A, which states in part "An applicant who possesses a current and unrestricted license in good standing under the laws of another state, territory, or foreign country ...";

(B) Rule 1.4 B.2, which states in part "An applicant must submit verification of at least one active/valid license, in good standing at the time of the application, from another state, territory, or foreign country."; and

(C) Rule 1.4 C., which states in part "**ADDITIONAL REQUIREMENTS FOR APPLICANTS FROM FOREIGN COUNTRIES**";

(XII) Rule 1.11 E.4 of the director for the office of respiratory therapy licensure concerning respiratory therapy licensure rules and regulations (4 CCR 741-1), which states "The provider does not have a direct treatment relationship or have direct contact with the patient.";

(XIII) Rule 1.13 E.4 of the director for the office of athletic trainer licensure concerning athletic trainer licensure rules and regulations (4 CCR 735-1), which states "The provider does not have a direct treatment relationship or have direct contact with the patient.";

(XIV) Rule 1.19 E.4 of the director for the office of naturopathic doctor registration concerning naturopathic doctors rules and regulations (4 CCR 749-1), which states "The provider does not have a direct treatment relationship or have direct contact with the patient.";

(XV) The following rules of the director for the office of hearing aid provider licensure concerning hearing aid provider rules and regulations (3 CCR 711-1):

(A) Rule 1.12 E.4, which states "The licensee does not have a direct treatment relationship or have direct contact with the patient."; and

(B) Rule 1.2 A.1, which states "Possess an active license in good standing to practice as a hearing aid provider in another state or territory of the United States or in a foreign country; and";

(XVI) The following rules of the director for the office of audiology licensure

concerning audiology rules and regulations (3 CCR 711-2):

(A) Rule 1.13 C.4, which states "The provider does not have a direct treatment relationship or have direct contact with the patient."; and

(B) Rule 1.2 A.1, which states "Possess an active license in good standing to practice audiology in another state or territory of the United States or in a foreign country; and";

(XVII) Rule 1.23 E.4 of the director for the office of speech-language pathology certification concerning speech-language pathologist rules and regulations (4 CCR 748-1), which states "The provider does not have a direct treatment relationship or have direct contact with the patient.";

(XVIII) Rule 1.8 E.4 of the director for the office of surgical assistant and surgical technologist registration concerning surgical assistant and surgical technologist rules and regulations (4 CCR 745-1), which states "The provider does not have a direct treatment relationship or have direct contact with the patient.";

(XIX) The following rules of the director for the office of massage therapy licensure concerning massage therapy licensure rules and regulations (3 CCR 722-1):

(A) Rule 1.4 introductory portion, which states "Licensure by Endorsement [-] The purpose of this Rule is to delineate the requirements for licensure by endorsement set forth in section 12-20-202 (3), C.R.S. An applicant who currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state, territory or foreign country may apply for licensure by endorsement, provided that:"; and

(B) Rule 1.14 E.4, which states "The provider does not have a direct treatment relationship or have direct contact with the patient."; and

(XX) Rule 1.28 E.4 of the board of nursing concerning nursing rules and regulations (3 CCR 716-1), which states "The licensee does not have a direct treatment relationship or have direct contact with the patient.".

(p) Department of revenue;

(q) Department of state;

(r) Department of transportation; and

(s) Department of the treasury.

(2) The expiration of all rules of the public employees' retirement association, which rules were adopted or amended on or after November 1, 2019, and before November 1, 2020, and which are therefore scheduled for expiration May 15, 2021, is postponed.

(3) The expiration of all rules of the board of equalization, which rules were

adopted or amended on or after November 1, 2019, and before November 1, 2020, and which are therefore scheduled for expiration May 15, 2021, is postponed.

(4) The recommendations of the committee on legal services as reflected in this act apply to the specified rules in the form in which the rules were considered and acted upon by the committee. Any amendments or other changes in the specified rules that became effective before November 1, 2020, that comply with the recommendations of the committee on legal services are not affected by this act. Any subsequent amendments or other changes in the specified rules that became effective on or after November 1, 2020, are not affected by this act.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 10, 2021