



## Legislative Council Staff

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## Memorandum

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**TO:** Interested Persons

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**SUBJECT:** Overview of Professional Licensure in Colorado

### Summary

This memorandum provides information about professional licensure requirements in Colorado.

Over 100 professions and occupations are currently required to be licensed, certified, or registered with state agencies in Colorado. The majority are regulated by the Division of Professions and Occupations within the Department of Regulatory Agencies (DORA). Other state agencies that regulate professions and occupations include the Department of Agriculture, the Department of Education, the Department of Law, the Department of Natural Resources, the Department of Revenue, and the Secretary of State's Office.

### Contents

Regulating Professions and Occupations	1
Types of Regulation	1
Sunrise and Sunset Reviews	2
Licensure Violations	4
State Regulation by Profession	4

### Types of Regulation

Professions and occupations in Colorado are subject to four main types of regulation: licensure, certification, registration, and title protection.

**Licensure.** Licensure, the most restrictive form of regulation, typically requires completion of a prescribed educational program (usually college level or higher) and an examination designed to measure a minimal level of competency. This level of regulation usually entails title protection, which limits the use of a title to those who are properly licensed, and exclusivity, since only licensed practitioners may engage in the particular profession. Licensing requirements are intended to afford

the highest level of consumer protection by ensuring that only those deemed competent may practice and notifying the public of those who may practice by use of a title.

***Certification.*** Certification programs are similar to licensing programs, but the barriers to entry are generally lower. Educational requirements may be more vocational in nature, but an examination is still required to measure a minimal level of competency. Additionally, training and examination requirements are typically established by a non-governmental entity and certification is conditional upon a practitioner obtaining and maintaining the private credential. These types of programs also usually entail title protection and practice exclusivity, affording consumer protection that is slightly lower than a licensing program while still ensuring that only those deemed competent may practice and notifying the public of those who may practice by use of a title.

***Registration.*** Registration programs are intended to offer minimal barriers to entry while still protecting the public and are best suited to those professions and occupations where the risk of public harm is relatively low. A registration program has prescribed requirements, such as insurance or the use of a disclosure form, and a state registry of individuals. These types of programs can entail title protection and practice exclusivity. Registration serves to notify the state of which individuals are engaging in the relevant practice and the public of those who may practice by use of a title.

***Title protection.*** Title protection represents the lowest level of regulation and restricts the use of a prescribed title to those who satisfy certain requirements. Practitioners need not register or otherwise notify the state that they are engaging in the relevant practice. As a result, anyone may engage in the particular practice, but only those who satisfy the prescribed requirements may use the enumerated title. Title protection ensures a minimal level of competency—depending upon the prescribed preconditions for use of the protected title—and the public is alerted to the qualifications of those who may use the particular title.

## **Sunrise and Sunset Reviews**

The Colorado Office of Policy, Research, and Regulatory Reform (COPRRR) in DORA is charged with completing sunrise reviews of currently unregulated professions and occupations and sunset reviews of currently regulated professions and occupations that are set to repeal from statute.

***Sunrise review process.*** The General Assembly established the sunrise review process in 1985 as a way to determine whether there is a need to regulate a certain profession before enacting laws for regulation. The process requires consideration and determination of the least restrictive regulatory alternative consistent with the public interest.

An interested party may submit an application requesting a sunrise review. At least ten members of an industry group or ten individuals who are not members of the industry group must sign an application.

State law provides the following specific criteria to be used when evaluating a potential new professions and occupations regulation:

- whether the unregulated practice harms or endangers the health, safety, or welfare of the public;
- whether the public needs or will benefit from an assurance of professional or occupational competence;
- whether the public can be adequately protected in a more cost-effective manner; and
- whether disqualifying applicants for licensure, registration, or certification based on criminal history serves public safety or commercial or consumer protection interests.

Upon completion of the sunrise review, COPRRR makes a recommendation to the General Assembly. Legislation is required to create a new regulation. As a result, the General Assembly makes the final determination whether or what type of regulation should be implemented.

COPRRR may deny a sunrise review application if the office has previously analyzed the proposed regulation, issued a report on the matter within the prior 36 months, and finds no new information that would cause COPRRR to change its recommendation.

*Sunset review process.* In 1976, Colorado became the first state to pass a sunset law. Legislation regulating a profession or occupation may contain a sunset date. A sunset date is a specific date that a particular regulation, program, or function of government is repealed, unless the General Assembly adopts new legislation to continue the program. Prior to the sunset date, the COPRRR conducts a sunset review to analyze whether regulation is still needed and the least restrictive level of regulation, and to make recommendations to the General Assembly.<sup>1</sup> State law contains ten criteria that sunset reviews must consider, among others, as follows:

- whether regulation is necessary to protect the public health, safety, and welfare, and whether conditions that led to the initial regulation have changed;
- if the regulation is necessary and whether existing laws and rules establish the least restrictive form of regulation;
- whether the regulatory body operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, and procedures;
- whether the regulatory body is performing its statutory duties efficiently and effectively;
- whether the composition of the regulatory body adequately represents the public interest and whether the regulatory body encourages public participation;
- the economic impact of regulation and whether the regulation stimulates or restricts competition;
- whether complaint, investigation, and disciplinary procedures adequately protect the public;
- whether the scope of practice of the profession contributes to the optimum use of personnel and whether entry requirements encourage affirmative action;
- whether the profession imposes any disqualification on the basis of criminal history and whether this disqualification serves public safety or commercial or consumer protection; and
- whether administrative or statutory changes are necessary to improve the regulatory body's operations in order to enhance the public interest.

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<sup>1</sup>Section 24-34-104, C.R.S.

At the beginning of the legislative component of the sunset process, a legislative committee of reference is required to hold a public hearing to receive testimony from DORA, other agencies involved, and the public. Based on the hearing, some or all of the recommendations in the completed sunset report are drafted into a bill. The committee holds another hearing on the bill itself. These two hearings must be separate and distinct.

## **Licensure Violations**

Most professional licensing statutes have specific penalties related to failure to obtain a license and other breaches of licensure, registration, or certification. Violators may be charged with a misdemeanor, required to pay a fine or damages, and, in some cases, be charged with a felony or face jail time.

In addition, state law generally prohibits persons from practicing a business, vocation, or occupation and falsely claiming to possess an academic or honorary degree unless he or she has received the degree from a formally accredited agency. Violators may be required to pay actual damages, \$500, or three times the amount of the actual damages.<sup>2</sup>

## **State Regulation by Profession**

For each profession, Table 1, which is appended, identifies the statute that requires the license, registration, or certification; the applicable regulatory board or division and department that oversees the profession; and, where applicable, the sunset review year. This list only includes licenses for individuals and does not include business licenses.

For additional information, please see the following state websites created for the various regulatory bodies described in Table 1.

### **Department of Agriculture (DOA)**

- [Commodity Handler Program](#)
- [Farm Product Dealer Program](#)

### **Department of Education (CDE)**

- [Educator Talent Licensing Office](#)
- [List of License and Authorization Types](#)
- [Applying for a License or Authorization](#)

### **Department of Law (DOL)**

- [Collection Agency Regulation](#)
- [Colorado Uniform Consumer Credit Code Licensing](#)
- [Debt Management Services Registration](#)

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<sup>2</sup>Sections 6-1-707 (1)(a)(I) and 6-1-113 (1) and (2), C.R.S.

**Department of Natural Resources (DNR)**

- [Well Contractor Licensing](#)

**Department of Public Health and Environment (CDPHE)**

- [Milk and Dairy Program](#)
- [Emergency Medical Technician Certification](#)
- [Water and Wastewater Facility Operators](#)
- [Emissions Inspectors and Mechanics](#)

**Department of Regulatory Agencies (DORA)**

- ["What We Regulate"](#)
- [Sunrise and Sunset – Find a Review](#)
- [Boards and Commissions](#)
- [Other Licenses and Regulatory Resources](#)

**Department of Revenue (DOR)**

- [Liquor and Tobacco Enforcement Division](#)
- [Marijuana Enforcement Division](#)
- [Auto Industry Division](#)
- [Division of Gaming](#)

**Secretary of State's Office (SOS)**

- [Bingo and Raffles Licensing](#)
- [Notaries Public](#)
- [Lobbyists](#)

**Office of Economic Development and International Trade (OEDIT)**

- [Occupational License Database](#)

**Table 1  
Professional Regulation in Colorado**

Profession/Occupation	Statute	Regulatory Body	Div/Dept	Type of Regulation	Sunset, if applicable
Accountants	12-2-108	Board of Accountancy	DPO/DORA	Certification	2019
Acupuncturists	12-29.5-104	Office of Accupuncture Licensure	DPO/DORA	Licensure	2022
Addiction Counselors	12-43-804	Board of Addiction Counselor Examiners	DPO/DORA	Licensure/Certification	
Anesthesiologist Assistants	12-36-107.3	State Medical Board	DPO/DORA	Licensure	
Architects	12-25-315	Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors	DPO/DORA	Licensure	2024
Athletic Trainers	12-29.7-106	Office of Athletic Trainer Registration	DPO/DORA	Registration	2021
Attorneys	13-93-101	Office of Attorney Regulations	Law	Licensure	
Audiologists	12-29.9-104	Office of Audiology Licensure	DPO/DORA	Licensure	2020
Bail Bonding Agents	10-23-102	Division of Insurance	DORA	Registration	2026
Barbers, Cosmetologists, Estheticians, Hairstylists, and Nail Technicians	12-8-120	Office of Barber and Cosmetology Licensure	DPO/DORA	Licensure	2026
Bingo-Raffle Game Managers, Landlords, Manufacturers, and Suppliers	24-21-601	Bingo-Raffles Division	SOS	Licensure	2024
Boxing Professionals	12-10-106.3	Office of Combative Sports	DPO/DORA	Licensure	2026
Chiropractors	12-33-111	Board of Chiropractic Examiners	DPO/DORA	Licensure	2020
Clinical Social Workers	12-43-404	Board of Social Work Examiners	DPO/DORA	Licensure	
Commodity Handlers	35-36-105/106	Commissioner of Agriculture/Agricultural Commission	Agriculture	Licensure	2020
Community Association Managers	12-61-102	Division of Real Estate	DORA	Licensure	2018 (in wind-down)
Counselors	12-43-603	Board of Licensed Professional Counselor Examiners	DPO/DORA	Licensure	
Dairy Handlers	25-5.5-107	Division of Environmental Health and Sustainability	CDPHE	Licensure	
Debt Management Providers	5-19-204	Administrator of the Uniform Consumer Credit Code	Law	Registration	2024
Dental Hygienists	12-35-126	State Dental Board	DPO/DORA	Licensure	2025
Dentists	12-35-117	State Dental Board	DPO/DORA	Licensure	2025
Direct-Entry Midwives	12-37-103	Office of Direct-Entry Midwifery Registration	DPO/DORA	Registration	2021
Educator - Adjunct Instructors (K-12)	22-60.5-111 (2)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Adult Basic Education Instructors	22-60.5-111 (13)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Career and Technical Education Specialists	22-60.5-111 (9)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Educational Interpreters	22-60.5-111 (11)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Emergency Authorization (Teacher, Counselor, Speech Pathologist Asst, Interpreter, Principal, Administrator)	22-60.5-111 (4)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Exchange Educators Interim Authorization	22-60.5-111 (7.7)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Interim Authorization (Teacher/Principal/Administrator)	22-60.5-111 (7)/(7.5)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - JROTC Instructor	22-60.5-111 (12)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Native American Language/Culture Instruction Authorization	22-60.5-111 (15)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Principal Authorization	22-60.5-111 (14)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - School Administrator (Initial/Professional/Master)	22-60.5-306/307	Division of Educator Talent/Licensing	CDE	Licensure	
Educator - School Principal - K-12 (Initial/Professional/Master)	22-60.5-301/302	Division of Educator Talent/Licensing	CDE	Licensure	
Educator - School Speech-Language Pathology Assistant	22-60.5-111 (10)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Special Services Provider (Initial/Professional/Master)	22-60.5-210/211	Division of Educator Talent/Licensing	CDE	Licensure	
Educator - Special Services Provider Intern	22-60.5-111 (3)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Substitute Teacher	22-60.5-111 (6)	Division of Educator Talent/Licensing	CDE	Authorization	
Educator - Teacher (Alternative/Teacher of Record/Initial/Professional/Master)	22-60.5-201/202	Division of Educator Talent/Licensing	CDE	Licensure	
Educator - Temporary Educator Eligibility	22-60.5-111 (5)	Division of Educator Talent/Licensing	CDE	Authorization	
Electricians	12-23-106	State Electrical Board	DPO/DORA	Licensure (Registered Apprentices)	2019
Emergency Medical Technicians	25-3.5-203	Board of Health	CDPHE	Certification	
Emission Inspectors and Mechanics	42-4-308	Air Quality Control Commission	CDPHE and DOR	License	
Engineers	12-25-115	Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors	DPO/DORA	Licensed	2024
Fantasy Contest Operators - Large and Small	12-15.5-105	Office of Fantasy Contest Operator Registration and Licensure	DPO/DORA	Licensed (Large)/Registered (Small)	2020
Farm Product Dealers	35-37-104	Commissioner of Agriculture/Agricultural Commission	Agriculture	Licensure	2020
Gaming-related Professions	44-30-501	Limited Gaming Control Commission	Gaming/DOR	Licensure	2022
Hearing Aid Providers and Apprentices	12-5.5-201/204	Office of Hearing Aid Provider Licensure	DPO/DORA	Licensure	2020
Insurance Producers	10-2-401	Insurance Commissioner	Insurance/DORA	Licensure	
Land Surveyors	12-25-210	Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors	DPO/DORA	Licensure	2024
Landscape Architect	12-45-104	Board of Landscape Architects	DPO/DORA	Licensure	2028
Licensed Practical Nurses	12-38-112	Board of Nursing	DPO/DORA	Licensure	2020
Licensed Professional Counselors	12-43-603	Board of Licensed Professional Counselor Examiners	DPO/DORA	Licensure	
Licensed Psychiatric Technicians (Mentally Ill/Developmentally Disabled)	12-42-104	Board of Nursing	DPO/DORA	Licensure	2020

**Table 1, cont.**  
**Professional Regulation in Colorado**

<b>Profession/Occupation</b>	<b>Statute</b>	<b>Regulatory Body</b>	<b>Div/Dept</b>	<b>Type of Regulation</b>	<b>Sunset, if applicable</b>
Licensed Social Workers	12-43-404	Board of Social Work Examiners	DPO/DORA	Licensure	
Limited Licenses	12-42.5-112	Board of Pharmacy	DPO/DORA	Registration	
Liquor Licensee Manager	44-3-413/414; 44-3-427/428	Liquor Enforcement Division/Local Liquor Licensing Authorities	DOR and Local Govt.	Registration/Permit	
Liquor Licenses <i>(Manufacturers, Importers, Wholesalers, Retailers, Events)</i>	44-3-101, 44-4-101, and 44-5-101	Liquor Enforcement Division/Local Liquor Licensing Authorities	DOR and Local Govt.	Licensure/Permits	
Lobbyists	24-6-103	Secretary of State	SOS	Registration	
Marijuana Business Licenses - Medical and Retail <i>(Cultivation, manufacturing, retail, research, testing, transporting)</i>	44-11-101 44-12-101	Marijuana Enforcement Division/Local Licensing Authorities	DOR/Local Govt	Licensure	2019
Marijuana Operators/Employees - Medical and Retail <i>(Owners, managers, operators, employees, contractors, support staff)</i>	44-11-101 44-12-101	Marijuana Enforcement Division/Local Licensing Authorities	DOR/Local Govt	Licensure/Registration	2019
Marriage and Family Therapists	12-43-504	Board of Marriage and Family Therapists Examiners	DPO/DORA	Licensure	
Massage Therapist	12-35.5-106	Office of Massage Therapy	DPO/DORA	Licensure	2022
Money Transmitters	11-110-105	Banking Board	Securities/DORA	Licensure	2024
Mortgage Loan Originators	12-61-903	Board of Mortgage Loan Originators	Real Estate/DORA	Licensure	2029
Mortuary Science Practitioners	12-54-110/12-54-303	Office of Funeral Home and Crematory Registration	DPO/DORA	Registration	2024
Motor Vehicle Dealers and Agents	44-20-108	Motor Vehicle Dealer Board	DOR	Licensure	2027
Naturopathic Doctors	12-37.3-106	Office of Naturopathic Doctor Registration	DPO/DORA	Registration	2020
Notaries Public	24-21-521	Secretary of State	SOS	Certification	2023
Nurse Aide	12-38.1-103	Board of Nursing	DPO/DORA	Certification/Licensure	2020
Nurses and Advanced Practice Nurses	12-38-111/111.5	Board of Nursing	DPO/DORA	Registration/Licensure	2020
Nursing Home Administrators and Administrators in Training	12-39-106/107	Board of Examiners of Nursing Home Administrators	DPO/DORA	Licensure	2023
Occupational Therapists	12-40.5-105/106	Office of Occupational Therapy	DPO/DORA	Licensure	2020
Occupational Therapy Assistants	12-40.5-105/106.5	Office of Occupational Therapy	DPO/DORA	Licensure	2020
Optometrists	12-40-108	Board of Optometry	DPO/DORA	Licensure	2022
Outfitters and Guides	12-55.5-103	Office of Outfitter Registration	DPO/DORA	Registration	2025
Pesticide <i>(Qualified Supervisors, Certified Operators, and Private Applicators)</i>	35-10-115	Commissioner of Agriculture/Agricultural Commission	Plant Industry/CDA	Licensure	2023
Pharmacists	12-42.5-112	Board of Pharmacy	DPO/DORA	Licensure	2021
Physical Therapists	12-41-106	State Physical Therapy Board	DPO/DORA	Licensure	2024
Physical Therapy Assistants	12-41-204	State Physical Therapy Board	DPO/DORA	Certification	2024
Physician Assistant	12-36-107.4	State Medical Board	DPO/DORA	Licensure	2019
Physician/Medical Licenses	12-36-107	State Medical Board	DPO/DORA	Licensure	2019
Plumbers	12-58-105/107	State Plumbing Board	DPO/DORA	Licensure	2024
Podiatrists	12-32-102	Podiatry Board	DPO/DORA	Licensure	2019
Private Investigators	12-58.5-104/106/107	Office of Private Investigator Licensure	DPO/DORA	Licensure	2020
Psychologist Candidates	12-43-303/304	Board of Psychologists Examiners	DPO/DORA	Registration	
Psychologists	12-43-303/304	Board of Psychologists Examiners	DPO/DORA	Licensure	
Psychotherapists	12-43-201 (9.1)/702.5	Board of Psychotherapists	DPO/DORA	Registration	
Racing-related Professions <i>(Manufacturers or Operators of Totalisators, Persons Conducting Parimutuel Wagering on Simulcast Races (in- and out-of-state))</i>	44-32-501	Racing Commission	Racing/DOR	Licensure/Registration	2023
Real Estate Appraiser	12-61-706	Board of Real Estate Appraisers	Real Estate/DORA	Licensure	2022
Real Estate Broker	12-61-102	Real Estate Commission	Real Estate/DORA	Licensure	2026
Respiratory Therapists	12-41.5-106	Office of Respiratory Therapy Licensure	DPO/DORA	Licensure	2024
Securities Brokers <i>(Dealers, Sales Representatives, Investment Advisers, or Investment Adviser Representatives)</i>	11-51-401	Securities Commissioner	Securities/DORA	Licensure	2026
Speech Language Pathologists	12-43.7-105	Office of Speech-Language Pathology Certification	DPO/DORA	Certification	2022
Supervised Loan Lender	5-2-302	Administrator of the Uniform Consumer Credit Code	Law	Licensure	
Surgical Assistants	12-43.2-102	Office of Surgical Assistant and Surgical Technologist Registration	DPO/DORA	Registration	2021
Surgical Technologists	12-43.2-102	Office of Surgical Assistant and Surgical Technologist Registration	DPO/DORA	Registration	2021
Veterinarians	12-64-104	Board of Veterinary Medicine	DPO/DORA	Licensure	2022
Water and Wastewater Treatment Facility Operators	25-9-107	Water and Wastewater Facility Operators Certification Board	CDPHE	Certification	2020
Water Well Construction and Pump Installation Contractors	37-91-105	Board of Examiners of Water Well Construction and Pump	Natural Resources	Licensure	

Source: Legislative Council Staff