

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0304.01 Kristen Forrestal x4217

SENATE BILL 17-108

SENATE SPONSORSHIP

Crowder, Aguilar, Kefalas

HOUSE SPONSORSHIP

Buckner,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING CONTINUATION OF THE REGULATION OF**
102 **SPEECH-LANGUAGE PATHOLOGISTS BY THE DIRECTOR OF THE**
103 **DIVISION OF PROFESSIONS AND OCCUPATIONS, AND, IN**
104 **CONNECTION THEREWITH, IMPLEMENTING THE**
105 **RECOMMENDATIONS OF THE 2016 SUNSET REPORT OF THE**
106 **DEPARTMENT OF REGULATORY AGENCIES.**

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/>.)

Sunset Process - Senate Health and Human Services

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

SENATE
Amended 2nd Reading
February 13, 2017

Committee. The bill implements the recommendations of the sunset review and report on the certification of speech-language pathologists through the department of regulatory agencies by:

- ! Extending the automatic termination date of the "Speech-language Pathology Practice Act" to September 1, 2022, pursuant to the sunset law (**sections 1 and 2** of the bill); and
- ! Removing references to the American Speech-Language-Hearing Association (**sections 3 and 4** of the bill).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **amend**
3 (23)(a) introductory portion; **repeal** (13)(a)(II); and **add** (23)(a)(VIII) as
4 follows:

5 **24-34-104. General assembly review of regulatory agencies**
6 **and functions for repeal, continuation, or reestablishment - legislative**
7 **declaration - repeal.** (13) (a) The following agencies, functions, or both,
8 will repeal on September 1, 2017:

9 (II) ~~The regulation of speech-language pathologists by the director~~
10 ~~of the division of professions and occupations in accordance with article~~
11 ~~43.7 of title 12, C.R.S.;~~

12 (23) (a) The following agencies, functions, or both, ~~will~~ ARE
13 SCHEDULED FOR repeal on September 1, 2022:

14 (VIII) THE REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS BY
15 THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN
16 ACCORDANCE WITH ARTICLE 43.7 OF TITLE 12.

17 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-43.7-118
18 as follows:

19 **12-43.7-118. Repeal of article - review of functions.** This article
20 ARTICLE 43.7 is repealed, effective ~~September 1, 2017.~~ Prior to the

1 SEPTEMBER 1, 2022. BEFORE ITS repeal, the director's powers, duties, and
2 functions under this article ~~shall be reviewed as provided in 43.7~~ ARE
3 SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. C.R.S.

4 **SECTION 3.** In Colorado Revised Statutes, 12-43.7-105, **amend**
5 **(1)** as follows:

6 **12-43.7-105. Certification required - exception.** (1) Except as
7 otherwise provided in this article ARTICLE 43.7, on and after July 1, 2013,
8 a person shall not practice speech-language pathology or represent or hold
9 himself or herself out as being able to practice speech-language pathology
10 in this state without possessing a valid certification issued by the director
11 in accordance with this article ARTICLE 43.7 and any rules adopted under
12 this article ARTICLE 43.7 OR A SPECIAL SERVICES LICENSE ISSUED BY THE
13 DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-60.5-210.

14 **SECTION 4.** In Colorado Revised Statutes, 12-43.7-106, **amend**
15 (1)(c) as follows:

16 **12-43.7-106. Certification - application - qualifications -**
17 **provisional certification - renewal - fees - rules.** (1) **Educational and**
18 **experiential requirements.** Every applicant for a certification as a
19 speech-language pathologist must have:

20 (c) Passed the ~~national examination adopted by the American~~
21 ~~Speech-Language-Hearing Association or its successor association or any~~
22 ~~other examination approved~~ APPROPRIATE EXAMINATION AND CLINICAL
23 FELLOWSHIPS ADOPTED by the director.

24 **SECTION 5.** In Colorado Revised Statutes, 12-43.7-106.5,
25 **amend** (1)(b) and (5) as follows:

26 **12-43.7-106.5. Provisional certification - qualifications -**
27 **application - expiration - practice.** (1) **Educational and experiential**

1 **requirements.** An applicant for a provisional certification as a
2 speech-language pathologist must:

3 (b) Pass ~~either:~~ THE APPROPRIATE EXAMINATION AND CLINICAL
4 FELLOWSHIPS ADOPTED BY THE DIRECTOR.

5 ~~(I) The national examination adopted by the American~~
6 ~~Speech-Language-Hearing Association or its successor association; or~~

7 ~~(II) Any other examination approved by the director.~~

8 (5) **Practice.** A provisional certificate holder may practice
9 speech-language pathology only under the general supervision of a
10 speech-language pathologist who ~~holds a certificate of clinical~~
11 ~~competence awarded by the American Speech-Language-Hearing~~
12 ~~Association in accordance with the clinical fellowship requirements of the~~
13 ~~American Speech-Language-Hearing Association~~ HAS PASSED THE
14 APPROPRIATE EXAMINATION AND CLINICAL FELLOWSHIPS ADOPTED BY THE
15 DIRECTOR.

16 **SECTION 6.** In Colorado Revised Statutes, 12-43.7-108, **amend**
17 **(1) introductory portion, (1)(d), and (1)(e); and add (1)(f) as follows:**

18 **12-43.7-108. Scope of article - exclusions.** (1) This article
19 ARTICLE 43.7 does not prevent or restrict the practice, services, or
20 activities of:

21 (d) A person participating in good faith in a clinical fellowship if
22 the experience constitutes a part of the experience necessary to meet the
23 requirement of section 12-43.7-106 (1) and the person acts under
24 appropriate supervision; or

25 (e) Any legally qualified speech-language pathologist from another
26 state or country when providing services on behalf of a temporarily absent
27 speech-language pathologist certified in this state, so long as the

1 uncertified speech-language pathologist is acting in accordance with rules
2 adopted by the director. The uncertified practice must not occur more than
3 once in any twelve-month period; OR

4 (f) A SPEECH-LANGUAGE PATHOLOGIST WHO POSSESSES A SPECIAL
5 SERVICES LICENSE ISSUED BY THE DEPARTMENT OF EDUCATION PURSUANT
6 TO SECTION 22-60.5-210.

7 **SECTION 7. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.