

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0918.01 Kristen Forrestal x4217

HOUSE BILL 22-1307

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A BILL FOR AN ACT

101 CONCERNING TECHNICAL CHANGES TO THE PRACTICE ACTS
102 REGULATING MENTAL HEALTH PROVIDERS.

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/>.)

Statutory Revision Committee. Section 1 of the bill adds mental health professional to the list of individuals and entities that are not held liable for dispensing an opiate antagonist in accordance with the law. **Section 1** also updates the definition of "mental health professional" by adding "unlicensed" before "psychotherapist".

Section 2 adds, in the legislative declaration of the mental health

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.

practice act, clinical social worker candidates and addiction counselor candidates to the list of mental health licensee candidates who are subject to disciplinary actions and injunctions by their respective regulatory boards.

Section 3 updates the definition of "registrant" by adding a cross reference for clinical social worker candidates and by adding addiction counselor candidates to the definition.

Section 4 adds unlicensed psychotherapists to the section of law that clarifies that mental health professionals cannot administer or prescribe drugs or practice medicine.

Current law prohibits a person who practices religious ministry from publicly claiming to be a licensed, certified, or registered mental health professional unless the person possesses the proper credentials. **Section 5** adds certified addiction specialists and certified addiction technicians to the list of mental health professionals and makes a technical change to that same section of law.

Sections 6, 7, 9, and 10 delete obsolete language from the social worker practice act, the marriage and family therapist practice act, the licensed professional counselor practice act, and the addiction counselor practice act concerning the initial appointment of members to their respective regulatory boards.

Section 8 replaces the term "psychotherapists" with the proper term "mental health professionals" in the definition of "marriage and family therapy practice".

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-30-110, **amend**
3 (4)(b) and (7)(b.5) as follows:

4 **12-30-110. Prescribing or dispensing opiate antagonists -**
5 **authorized recipients - definitions.** (4) (b) A law enforcement agency
6 or first responder; an employee or volunteer of a harm reduction
7 organization; a school district, school, or employee or agent of a school;
8 a person described in section 25-20.5-1001; A MENTAL HEALTH
9 PROFESSIONAL; or a unit of local government acting in accordance with
10 this section is not subject to civil liability or criminal prosecution, as
11 specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

1 (7) As used in this section:

2 (b.5) "Mental health professional" means a psychologist, social
3 worker, marriage and family therapist, licensed professional counselor,
4 UNLICENSED psychotherapist, or addiction counselor licensed, registered,
5 or certified under article 245 of this title 12.

6 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-245-101
7 as follows:

8 **12-245-101. Legislative declaration.** (1) The general assembly
9 hereby finds and determines that, in order to safeguard the public health,
10 safety, and welfare of the people of this state and in order to protect the
11 people of this state against the unauthorized, unqualified, and improper
12 application of psychology, social work, marriage and family therapy,
13 professional counseling, psychotherapy, and addiction counseling, it is
14 necessary that the proper regulatory authorities be established and
15 adequately provided for.

16 (2) The general assembly therefore declares that there shall be
17 established a state board of psychologist examiners, a state board of social
18 work examiners, a state board of marriage and family therapist examiners,
19 a state board of licensed professional counselor examiners, a state board
20 of unlicensed psychotherapists, and a state board of addiction counselor
21 examiners with the authority to license, register, or certify, and take
22 disciplinary actions or bring injunctive actions, or both, concerning
23 licensed psychologists and psychologist candidates, licensed social
24 workers AND CLINICAL SOCIAL WORKER CANDIDATES, licensed marriage
25 and family therapists and marriage and family therapist candidates,
26 licensed professional counselors and licensed professional counselor
27 candidates, unlicensed psychotherapists, and licensed and certified

1 addiction counselors AND ADDICTION COUNSELOR CANDIDATES,
2 respectively, and mental health professionals who have been issued a
3 provisional license pursuant to this article 245.

4 **SECTION 3.** In Colorado Revised Statutes, 12-245-202, **amend**
5 (16) as follows:

6 **12-245-202. Definitions.** As used in this article 245, unless the
7 context otherwise requires:

8 (16) "Registrant" means a psychologist candidate, ~~marriage and~~
9 ~~family therapist candidate~~, clinical social worker candidate, MARRIAGE
10 AND FAMILY THERAPIST CANDIDATE, ~~or~~ licensed professional counselor
11 candidate, OR ADDICTION COUNSELOR CANDIDATE registered pursuant to
12 section 12-245-304 (3), ~~12-245-404 (4)~~, 12-245-504 (4), ~~or~~ 12-245-604
13 (4), OR ~~12-245-804 (3.7)~~, respectively, or an unlicensed psychotherapist.

14 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-245-210
15 as follows:

16 **12-245-210. Prohibition against prescribing drugs or**
17 **practicing medicine - exception for opiate antagonist.** (1) Nothing in
18 this article 245 permits psychologists, social workers, marriage and
19 family therapists, licensed professional counselors, UNLICENSED
20 PSYCHOTHERAPISTS, and addiction counselors licensed, ~~or~~ certified, OR
21 REGISTERED under this article 245 to administer or prescribe drugs or in
22 any manner engage in the practice of medicine as defined by the laws of
23 this state.

24 (2) Notwithstanding subsection (1) of this section, a psychologist,
25 social worker, marriage and family therapist, licensed professional
26 counselor, UNLICENSED psychotherapist, or addiction counselor licensed,
27 registered, or certified under this article 245 may possess, furnish, or

1 administer an opiate antagonist in accordance with section 12-30-110.

2 **SECTION 5.** In Colorado Revised Statutes, 12-245-217, **amend**
3 (1), (2) introductory portion, (2)(e) introductory portion, (2)(e)(I), and
4 (2)(e)(IV) as follows:

5 **12-245-217. Scope of article - exemptions.** (1) ~~Any~~ A person
6 engaged in the practice of religious ministry ~~shall~~ IS not ~~be~~ required to
7 comply with ~~the provisions of~~ this article 245; except that the person shall
8 not ~~hold himself or herself out to the public by~~ PUBLICLY CLAIM TO HOLD
9 any title incorporating the ~~terms~~ TERM "psychologist", "social worker",
10 "licensed social worker", "LSW", "licensed clinical social worker",
11 "LCSW", "clinical social worker", ~~"LCSW"~~, "licensed marriage and
12 family therapist", "LMFT", "licensed professional counselor", "LPC",
13 "addiction counselor", "licensed addiction counselor", "LAC", "certified
14 addiction counselor", ~~or~~ "CAC", "CERTIFIED ADDICTION SPECIALIST",
15 "CAS", "CERTIFIED ADDICTION TECHNICIAN", OR "CAT" unless ~~that~~ THE
16 person ~~has been~~ IS licensed or certified pursuant to this article 245.

17 (2) ~~The provisions of~~ This article 245 ~~shall~~ DOES not apply to:

18 (e) A person who resides in another state and who is currently
19 licensed or certified as a psychologist, marriage and family therapist,
20 clinical social worker, professional counselor, or addiction counselor in
21 that state to the extent that the licensed or certified person performs
22 activities or services in this state, if the activities and services: ~~are:~~

23 (I) ARE performed within the scope of the person's license or
24 certification;

25 (IV) ARE disclosed to the public that the person is not licensed or
26 certified in this state;

27 **SECTION 6.** In Colorado Revised Statutes, 12-245-402, **amend**

1 (3) as follows:

2 **12-245-402. State board of social work examiners - created -**
3 **members - terms.** (3) ~~(a)~~ Each board member shall hold office until the

4 expiration of the member's appointed term or until a successor is duly
5 appointed. ~~Except as specified in subsection (3)(b) of this section,~~ The
6 term of each member ~~shall be~~ IS four years, and ~~no~~ A board member shall
7 NOT serve more than two full consecutive terms. Any vacancy occurring
8 in board membership other than by expiration of a term shall be filled by
9 the governor by appointment for the remainder of the unexpired term of
10 the member.

11 ~~(b) The terms of office of the members on the board are modified~~
12 ~~as follows in order to ensure staggered terms of office:~~

13 ~~(I) The second term of office of one of the two licensed clinical~~
14 ~~social worker board members who, as of July 25, 2010, would have~~
15 ~~served two four-year terms shall expire on June 30, 2008, and the~~
16 ~~governor shall appoint a new licensed clinical social worker to serve~~
17 ~~terms as described in subsection (3)(a) of this section commencing on~~
18 ~~July 1, 2008.~~

19 ~~(II) The initial term of office of one of the board members~~
20 ~~representing the general public whose initial term would otherwise expire~~
21 ~~on July 25, 2010, expires on June 30, 2008, and the board member is~~
22 ~~eligible to serve one additional four-year term commencing on July 1,~~
23 ~~2008, and expiring on June 30, 2012. On and after the expiration of this~~
24 ~~board member's term or a vacancy in this position, the governor shall~~
25 ~~appoint a licensed clinical social worker to this position on the board,~~
26 ~~who is eligible to serve terms as described in subsection (3)(a) of this~~
27 ~~section commencing on July 1 of the applicable year.~~

1 ~~(III) The term of office of the one member representing the~~
2 ~~general public who, as of July 25, 2009, would have served one full~~
3 ~~four-year term and one partial four-year term shall expire on June 30,~~
4 ~~2009, and the member shall be eligible to serve one additional four-year~~
5 ~~term commencing on July 1, 2009, and expiring on June 30, 2013. On and~~
6 ~~after the expiration of this board member's term, persons appointed to this~~
7 ~~position on the board shall serve terms as described in subsection (3)(a)~~
8 ~~of this section commencing on July 1 of the applicable year.~~

9 ~~(IV) The term of office of the one licensed clinical social worker~~
10 ~~board member who, as of July 25, 2010, would have served one full~~
11 ~~four-year term and one partial four-year term shall expire on June 30,~~
12 ~~2009, and the board member shall be eligible to serve one additional~~
13 ~~four-year term commencing on July 1, 2009, and expiring on June 30,~~
14 ~~2013. On and after the expiration of this board member's term, persons~~
15 ~~appointed to this position on the board shall serve terms as described in~~
16 ~~subsection (3)(a) of this section commencing on July 1 of the applicable~~
17 ~~year.~~

18 ~~(V) The initial terms of office of the one remaining licensed~~
19 ~~clinical social worker board member and the two remaining board~~
20 ~~members representing the general public whose initial terms would~~
21 ~~otherwise expire on July 25, 2010, shall expire on June 30, 2010, and~~
22 ~~each of these board members shall be eligible to serve one additional~~
23 ~~four-year term, commencing on July 1, 2010, and expiring on June 30,~~
24 ~~2014. On and after the expiration of these board members' terms, persons~~
25 ~~appointed to these positions on the board shall serve terms as described~~
26 ~~in subsection (3)(a) of this section commencing on July 1 of the~~
27 ~~applicable year.~~

1 **SECTION 7.** In Colorado Revised Statutes, 12-245-502, **amend**
2 (3) as follows:

3 **12-245-502. State board of marriage and family therapist**
4 **examiners - created - members - terms.** (3) ~~(a)~~ Each board member
5 shall hold office until the expiration of ~~his or her~~ THE MEMBER'S
6 appointed term or until a successor is duly appointed. ~~Except as specified~~
7 ~~in subsection (3)(b) of this section,~~ Members shall serve terms of four
8 years, and ~~no~~ A member shall NOT serve more than two full consecutive
9 terms. When the term of each board member expires, the governor shall
10 appoint ~~his or her~~ THE MEMBER'S successor for a term of four years. Any
11 vacancy occurring in the board membership other than by the expiration
12 of a term shall be filled by the governor by appointment for the remainder
13 of the unexpired term of the member.

14 ~~(b) The terms of office of the members on the board are modified~~
15 ~~as follows in order to ensure staggered terms of office:~~

16 ~~(I) The second term of office of one of the board members~~
17 ~~representing the general public whose second term would otherwise~~
18 ~~expire on August 12, 2010, shall expire on July 31, 2008. On and after the~~
19 ~~expiration of this board member's term, persons appointed to this position~~
20 ~~on the board shall serve terms as described in subsection (3)(a) of this~~
21 ~~section commencing on August 1 of the applicable year.~~

22 ~~(II) The initial term of office of one of the marriage and family~~
23 ~~therapist board members whose initial term would otherwise expire on~~
24 ~~August 12, 2010, shall expire on July 31, 2008, and the board member~~
25 ~~shall be eligible to serve one additional four-year term commencing on~~
26 ~~August 1, 2008, and expiring on July 31, 2012. On and after the~~
27 ~~expiration of this board member's term, persons appointed to this position~~

1 on the board shall serve terms as described in subsection (3)(a) of this
2 section commencing on August 1 of the applicable year.

3 (III) ~~The term of office of the one board member representing the~~
4 ~~general public who, as of August 12, 2009, would have served one full~~
5 ~~four-year term and one partial four-year term expires on July 31, 2009.~~
6 ~~This board member is eligible to serve one additional four-year term~~
7 ~~commencing on August 1, 2009, and expiring on July 31, 2013. On and~~
8 ~~after the expiration of this board member's term or a vacancy in this~~
9 ~~position, the governor shall appoint a marriage and family therapist to this~~
10 ~~position on the board, who is eligible to serve terms as described in~~
11 ~~subsection (3)(a) of this section commencing on August 1 of the~~
12 ~~applicable year.~~

13 (IV) ~~The initial term of office of one of the marriage and family~~
14 ~~therapist board members whose initial term would otherwise expire on~~
15 ~~August 12, 2010, shall expire on July 31, 2009, and the board member~~
16 ~~shall be eligible to serve one additional four-year term commencing~~
17 ~~August 1, 2009, and expiring on July 31, 2013. On and after the~~
18 ~~expiration of this board member's term, persons appointed to this position~~
19 ~~on the board shall serve terms as described in subsection (3)(a) of this~~
20 ~~section commencing on August 1 of the applicable year.~~

21 (V) ~~The initial term of office of one of the marriage and family~~
22 ~~therapist board members whose initial term of office would otherwise~~
23 ~~expire on August 12, 2010, shall expire on July 31, 2010, and the board~~
24 ~~member shall be eligible to serve one additional four-year term~~
25 ~~commencing on August 1, 2010, and expiring on July 31, 2014. On and~~
26 ~~after the expiration of this board member's term, persons appointed to this~~
27 ~~position on the board shall serve terms as described in subsection (3)(a)~~

1 of this section commencing on August 1 of the applicable year.

2 ~~(VI) The second term of office of one of the board members~~
3 ~~representing the general public whose second term would otherwise~~
4 ~~expire on August 12, 2010, shall expire on July 31, 2010, and the~~
5 ~~governor shall appoint one new representative of the general public to~~
6 ~~serve terms as described in subsection (3)(a) of this section commencing~~
7 ~~on August 1, 2010.~~

8 ~~(VII) The term of office of the one board member representing the~~
9 ~~general public who, as of August 12, 2010, would have served one full~~
10 ~~four-year term and one partial four-year term shall expire on July 31,~~
11 ~~2010. This board member shall be eligible to serve one additional~~
12 ~~four-year term commencing on August 1, 2010, and expiring on July 31,~~
13 ~~2014. On and after the expiration of this board member's term, persons~~
14 ~~appointed to this position on the board shall serve terms as described in~~
15 ~~subsection (3)(a) of this section commencing on August 1 of the~~
16 ~~applicable year.~~

17 **SECTION 8.** In Colorado Revised Statutes, 12-245-503, **amend**
18 **(4)** as follows:

19 **12-245-503. Marriage and family therapy practice defined.**
20 ~~(4) This~~ THE definition OF MARRIAGE AND FAMILY THERAPY PRACTICE is
21 to be interpreted in a manner that does not impinge upon or otherwise
22 limit the scope of practice of other ~~psychotherapists~~ MENTAL HEALTH
23 PROFESSIONALS licensed under this article 245.

24 **SECTION 9.** In Colorado Revised Statutes, 12-245-602, **amend**
25 **(3)** as follows:

26 **12-245-602. State board of licensed professional counselor**
27 **examiners - created - members - fines.** (3) ~~(a)~~ Each member shall hold

1 office until the expiration of ~~his or her~~ THE MEMBER'S appointed term or
2 until a successor is duly appointed. ~~Except as specified in subsection~~
3 ~~(3)(b) of this section,~~ Members shall serve terms of four years, and ~~no~~ A
4 member shall NOT serve more than two full consecutive terms. When the
5 term of each board member expires, the governor shall appoint ~~his or her~~
6 THE MEMBER'S successor for a term of four years. Any vacancy occurring
7 in the board membership other than by the expiration of a term shall be
8 filled by the governor by appointment for the unexpired term of the
9 member.

10 (b) ~~The terms of office of the members on the board are modified~~
11 ~~as follows in order to ensure staggered terms of office:~~

12 (I) ~~The terms of office of the one licensed professional counselor~~
13 ~~board member and one of the board members representing the general~~
14 ~~public who, as of September 12, 2010, would have served one full~~
15 ~~four-year term and one partial four-year term shall expire on August 31,~~
16 ~~2008. Each of these board members shall be eligible to serve one~~
17 ~~additional four-year term, commencing on September 1, 2008, and~~
18 ~~expiring on August 31, 2012. On and after the expiration of these board~~
19 ~~members' terms, persons appointed to these positions on the board shall~~
20 ~~serve terms as described in subsection (3)(a) of this section commencing~~
21 ~~on September 1 of the applicable year.~~

22 (II) ~~The term of office of the one board member representing the~~
23 ~~public whose initial term would otherwise expire on September 12, 2009,~~
24 ~~expires on August 31, 2009, and the board member is eligible to serve~~
25 ~~one additional four-year term, commencing on September 1, 2009, and~~
26 ~~expiring on August 31, 2013. On and after the expiration of this board~~
27 ~~member's term or a vacancy in this position, the governor shall appoint a~~

1 licensed professional counselor to this position on the board, who is
2 eligible to serve terms as described in subsection (3)(a) of this section
3 commencing on September 1 of the applicable year.

4 (III) ~~The initial term of office of one of the two licensed~~
5 ~~professional counselor board members whose initial term of office would~~
6 ~~otherwise expire on September 12, 2010, shall expire on August 31, 2009.~~
7 ~~This board member shall be eligible to serve one additional four-year~~
8 ~~term commencing on September 1, 2009, and expiring on August 31,~~
9 ~~2013. On and after the expiration of this board member's term, persons~~
10 ~~appointed to this position on the board shall serve terms as described in~~
11 ~~subsection (3)(a) of this section commencing on September 1 of the~~
12 ~~applicable year.~~

13 (IV) ~~The initial terms of office of the two remaining board~~
14 ~~members representing the general public and the one remaining licensed~~
15 ~~professional counselor whose initial terms would otherwise expire on~~
16 ~~September 12, 2010, shall expire on August 31, 2010. Each of these board~~
17 ~~members shall be eligible to serve one additional four-year term~~
18 ~~commencing on September 1, 2010, and expiring on August 31, 2014. On~~
19 ~~and after the expiration of these board members' terms, persons appointed~~
20 ~~to these positions on the board shall serve terms as described in~~
21 ~~subsection (3)(a) of this section commencing on September 1 of the~~
22 ~~applicable year.~~

23 **SECTION 10.** In Colorado Revised Statutes, 12-245-802, **amend**
24 **(3)** as follows:

25 **12-245-802. State board of addiction counselor examiners -**
26 **created - members - terms.** (3) (a) Each board member shall hold office
27 until the expiration of the member's appointed term or until a successor

1 is duly appointed. Except as specified in subsection (3)(b) of this section,
2 The term of each member is four years, and a board member shall not
3 serve more than two full consecutive terms. The governor shall fill a
4 vacancy occurring in board membership, other than by expiration of a
5 term, by appointment for the unexpired term of the member.

6 ~~(b) The initial terms of office of the members appointed to the~~
7 ~~board as of January 1, 2012, are modified as follows in order to ensure~~
8 ~~staggered terms of office:~~

9 ~~(I) The initial term of office of one of the board members~~
10 ~~representing the general public, whose initial term would otherwise expire~~
11 ~~on December 31, 2015, expires on December 31, 2013, and this board~~
12 ~~member is eligible to serve one additional four-year term commencing on~~
13 ~~January 1, 2014, and expiring on December 31, 2017. On and after the~~
14 ~~expiration of the board member's term, the term of a person appointed to~~
15 ~~this member's position on the board is as described in subsection (3)(a) of~~
16 ~~this section commencing on January 1 of the applicable year.~~

17 ~~(II) The initial terms of office of two of the licensed or certified~~
18 ~~addiction counselor board members, whose initial terms would otherwise~~
19 ~~expire on December 31, 2015, expire on December 31, 2013. These board~~
20 ~~members are eligible to serve one additional four-year term, commencing~~
21 ~~on January 1, 2014, and expiring on December 31, 2017. On and after the~~
22 ~~expiration of these board members' terms, the terms of persons appointed~~
23 ~~to the members' positions on the board are as described in subsection~~
24 ~~(3)(a) of this section commencing on January 1 of the applicable year.~~

25 **SECTION 11. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.