

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Michaelson Jenet

1 Amend the Public Health Care and Human Services Committee Report,
2 dated February 21, 2020, page 2, after line 11 insert:

3 "Page 10 of the printed bill, line 18, strike ""REGISTERED" and substitute
4 ""UNLICENSED"". "

5 Page 5 of the report, strike line 6 and substitute:

6 "Page 19 of the bill, strike lines 5 through 16 and substitute:".

7 Page 6 of the report, strike lines 22 through 37.

8 Page 7 of the report, strike lines 1 through 12 and substitute
9 "ACCREDITING ORGANIZATION.

10 **SECTION 31.** In Colorado Revised Statutes, 12-245-701, **amend**
11 (1) as follows:

12 **12-245-701. Definitions.** As used in this part 7, unless the context
13 otherwise requires:

14 (1) "Board" means the state board of ~~registered~~ UNLICENSED
15 psychotherapists created by section 12-245-702.

16 **SECTION 32.** In Colorado Revised Statutes, 12-245-702, **amend**
17 (1), (3), and (4) as follows:

18 **12-245-702. State board of unlicensed psychotherapists -**
19 **creation - membership.** (1) There is hereby created the state board of
20 ~~registered~~ UNLICENSED psychotherapists, which ~~shall be~~ IS under the
21 supervision and control of the division as provided in section 12-20-103
22 (2). The board ~~shall consist~~ CONSISTS of seven members who are residents
23 of the state of Colorado.

24 (3) Four members of the board must be ~~registered~~ UNLICENSED
25 psychotherapists. The governor shall appoint members to the board to
26 serve terms of four years.

27 (4) Members of the state board of ~~registered~~ UNLICENSED
28 psychotherapists appointed under subsection (2) or (3) of this section may
29 serve two full consecutive terms.

30 **SECTION 33.** In Colorado Revised Statutes, 12-245-703, **amend**
31 (1), (2), (3), and (4) as follows:

32 **12-245-703. Database of unlicensed psychotherapists -**
33 **unauthorized practice - penalties - data collection.** (1) The board shall
34 maintain a database of all ~~registered~~ UNLICENSED psychotherapists. The
35 board shall charge a fee in the same manner as authorized in section

1 12-20-105 for recording information in the database as required by this
2 section. Information in the database maintained pursuant to this section
3 is open to public inspection at all times.

4 (2) A person who: Is licensed pursuant to part 3, 4, 5, 6, or 8 of
5 this article 245; is registered as a psychologist candidate, licensed social
6 worker, marriage and family therapist candidate, or professional
7 counselor candidate; or is enrolled in a professional training program at
8 an approved school and actively working toward acquiring and
9 demonstrating the necessary qualifications for licensure set forth in
10 section 12-245-304, 12-245-404, 12-245-504, 12-245-604, or 12-245-804
11 may, but is not required to, register with the database of ~~registered~~
12 UNLICENSED psychotherapists.

13 (3) (a) ~~Any~~ BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (3),
14 AS AMENDED, A person not otherwise licensed, registered, or certified
15 pursuant to this article 245 who is practicing psychotherapy in this state
16 shall register with the board by submitting ~~his or her~~ THE PERSON'S name,
17 current address, educational qualifications, disclosure statements,
18 therapeutic orientation or methodology, or both, and years of experience
19 in each specialty area. Upon receipt and review of the required
20 information, the board may approve the psychotherapist for registration
21 in the database required by subsection (1) of this section. ~~A registered~~ AN
22 UNLICENSED psychotherapist shall update this information upon renewal
23 of ~~his or her~~ THE PRACTITIONER'S registration and at other times and under
24 conditions specified by the board by rule. At the time of recording the
25 information required by this section, the ~~registered~~ UNLICENSED
26 psychotherapist shall indicate whether ~~he or she~~ THE UNLICENSED
27 PSYCHOTHERAPIST has been convicted of, or entered a plea of guilty or
28 nolo contendere to, any felony or misdemeanor.

29 (b) A PERSON REGISTERED AS AN UNLICENSED PSYCHOTHERAPIST
30 PURSUANT TO THIS PART 7 BEFORE THE EFFECTIVE DATE OF THIS
31 SUBSECTION (3), AS AMENDED, AND WHO MEETS THE REQUIREMENTS OF
32 THIS SECTION MAY TO CONTINUE TO PRACTICE AS AN UNLICENSED
33 PSYCHOTHERAPIST.

34 (4) An unlicensed person whose primary practice is psychotherapy
35 or who holds himself or herself out to the public as able to practice
36 psychotherapy for compensation shall not practice psychotherapy unless
37 the person is registered with the board and included in the database
38 required by this section. Notwithstanding the requirements of this section,
39 ~~a registered psychotherapist~~ AN UNLICENSED PSYCHOTHERAPIST shall not
40 use the term "licensed", "certified", "clinical", "state-approved", or any
41 other term or abbreviation that would falsely give the impression that the
42 psychotherapist or the service that is being provided is recommended by
43 the state, based solely on inclusion in the database.

- 1 **SECTION 34.** In Colorado Revised Statutes, 12-245-801,
2 **amend**".
- 3 Page 11 of the report, strike line 40.
- 4 Page 12 of the report, strike lines 1 through 3.
- 5 Renumber succeeding sections accordingly.
- 6 Page 12 of the report, line 11, strike "~~the state board of registered~~
7 ~~psychotherapists,~~" and substitute "the state board of **registered**
8 UNLICENSED psychotherapists,".
- 9 Page 13 of the report, line 26, strike "~~a state board of registered~~
10 ~~psychotherapists,~~" and substitute "a state board of **registered** UNLICENSED
11 psychotherapists,".
- 12 Page 13 of the report, lines 32 and 33, strike "~~registered~~
13 ~~psychotherapists,~~" and substitute "~~registered~~ UNLICENSED
14 psychotherapists,".
- 15 Page 13 of the report, line 37, strike "and **repeal** (15)" and substitute
16 "**repeal** (15); and **add** (17)".
- 17 Page 14 of the report, line 2, strike "~~the state board of registered~~
18 ~~psychotherapists,~~" and substitute "the state board of **registered**
19 UNLICENSED psychotherapists,".
- 20 Page 14 of the report, strike line 20 and substitute "12-245-604 (4),
21 respectively, or a ~~registered~~ AN UNLICENSED psychotherapist.".
- 22 Page 14 of the report, after line 20 insert:
23 "(17) (a) "UNLICENSED PSYCHOTHERAPIST" MEANS A PERSON:
24 (I) WHOSE PRIMARY PRACTICE IS PSYCHOTHERAPY OR WHO HOLDS
25 HIMSELF OR HERSELF OUT TO THE PUBLIC AS BEING ABLE TO PRACTICE
26 PSYCHOTHERAPY FOR COMPENSATION; AND
27 (II) WHO IS REGISTERED WITH THE STATE BOARD OF UNLICENSED
28 PSYCHOTHERAPISTS PURSUANT TO SECTION 12-245-703 TO PRACTICE
29 PSYCHOTHERAPY IN THIS STATE.
30 (b) "UNLICENSED PSYCHOTHERAPIST" ALSO INCLUDES A PERSON
31 WHO:
32 (I) IS A LICENSED SCHOOL PSYCHOLOGIST LICENSED PURSUANT TO
33 SECTION 22-60.5-210 (1)(b);

1 (II) IS PRACTICING OUTSIDE OF A SCHOOL SETTING; AND
2 (III) IS REGISTERED WITH THE STATE BOARD OF UNLICENSED
3 PSYCHOTHERAPISTS PURSUANT TO SECTION 12-245-703."

4 Page 14 of the report, strike lines 28 through 30 and substitute "be the
5 only or primary practice area of the professionals, other than persons
6 registered as UNLICENSED psychotherapists pursuant to part 7 of this
7 article 245. The requirements for licensure, registration, or certification
8 as a".

9 Page 15 of the report, strike line 10 and substitute "(1)(b)(VI)".

10 Page 15 of the report, strike lines 29 through 41.

11 Page 16 of the report, strike lines 1 through 9 and substitute:

12 "(VI) The practice of psychotherapy, as defined in section
13 12-245-202, by the professional service corporation is performed by a
14 ~~registered~~ AN UNLICENSED psychotherapist acting independently or under
15 the supervision of a person licensed pursuant to this article 245 or a
16 ~~registered~~ AN UNLICENSED psychotherapist. Any ~~registered~~ UNLICENSED
17 psychotherapist member of the professional service corporation remains
18 individually responsible for his or her professional acts and conduct as
19 provided in this article 245."

20 Page 16 of the report, strike line 11 and substitute "(1)(d)(IV), (1)(e), and
21 (4)(g) as follows:".

22 Page 16 of the report, line 19, strike "psychologists AND" and substitute
23 "psychologists;".

24 Page 16 of the report, lines 20 and 21, strike "counselors, and ~~registered~~
25 ~~psychotherapists~~," and substitute "counselors; and ~~registered~~ UNLICENSED
26 psychotherapists,".

27 Page 16 of the report, strike lines 24 through 29 and substitute:

28 "(e) If the mental health professional is a ~~registered~~ AN
29 UNLICENSED psychotherapist, a statement indicating that a ~~registered~~ AN
30 UNLICENSED psychotherapist is a psychotherapist listed in the state's
31 database and is authorized by law to practice psychotherapy in Colorado
32 but is not licensed by the state and is not required to satisfy any
33 standardized educational or testing requirements to obtain a registration

1 from the state."

2 Page 16 of the report, strike lines 33 through 35 and substitute:

3 "(g) By a person licensed or certified pursuant to this article 245
4 or by a ~~registered~~ AN UNLICENSED psychotherapist practicing in a hospital
5 that is licensed or certified under section 25-1.5-103 (1)(a)(I) or
6 (1)(a)(II)."

7 Page 17 of the report, line 3, strike "**repeal**" and substitute "**amend**".

8 Page 17 of the report, strike lines 10 through 12 and substitute:

9 "(d) Deny, revoke, or suspend the listing of a ~~registered~~ AN
10 UNLICENSED psychotherapist in the state board of ~~registered~~ UNLICENSED
11 psychotherapists database established pursuant to section 12-245-703;"

12 Page 17 of the report, strike lines 32 through 34 and substitute "the
13 jurisdiction of the board. The psychologist candidate may, but is not
14 required to, register with the database of ~~registered~~ UNLICENSED
15 psychotherapists pursuant to section 12-245-703. If the requirements of
16 subsections (1)(d)".

17 Page 17 of the report, line 41, strike "**repeal**" and substitute "**amend**".

18 Page 18 of the report, strike lines 2 through 16 and substitute:

19 "**12-245-306. Exemptions.** (6) Nothing in this part 3 prevents the
20 practice of psychotherapy by persons registered with the state board of
21 ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703.

22 **SECTION 58.** In Colorado Revised Statutes, 12-245-404, **amend**
23 (4) as follows:

24 **12-245-404. Qualifications - examination - licensure and**
25 **registration.** (4) A person licensed as a licensed social worker pursuant
26 to subsection (1) of this section may, but is not required to, register with
27 the database of ~~registered~~ UNLICENSED psychotherapists pursuant to
28 section 12-245-703.

29 **SECTION 59.** In Colorado Revised Statutes, 12-245-406, **amend**
30 (5) as follows:

31 **12-245-406. Scope of part.** (5) Nothing in this part 4 prevents the
32 practice of psychotherapy by persons registered with the state board of
33 ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703."

- 1 Page 18 of the report, strike lines 22 and 23 and substitute "jurisdiction
2 of the board and may, but is not required to, register with the database of
3 ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703."
- 4 Page 18 of the report, line 24, strike "**repeal**" and substitute "**amend**".
- 5 Page 18 of the report, strike lines 27 through 29 and substitute "- **title.**
6 (5) Nothing in this part 5 prevents the practice of psychotherapy by
7 persons registered with the state board of ~~registered~~ UNLICENSED
8 psychotherapists pursuant to section 12-245-703."
- 9 Page 18 of the report, strike lines 35 and 36 and substitute "jurisdiction
10 of the board and may, but is not required to, register with the database of
11 ~~registered~~ UNLICENSED psychotherapists pursuant to section 12-245-703."
- 12 Page 18 of the report, line 37, strike "**repeal**" and substitute "**amend**".
- 13 Page 18 of the report, strike lines 40 and 41 and substitute "(4) Nothing
14 in this part 6 prevents the practice of psychotherapy by persons registered
15 with the state board of ~~registered~~ UNLICENSED psychotherapists pursuant
16 to section 12-245-703."
- 17 Page 19 of the report, strike line 1.
- 18 Page 19 of the report, lines 9 and 10, strike "~~a registered~~ psychotherapist,"
19 and substitute "~~a registered~~ AN UNLICENSED psychotherapist,".
- 20 Page 19 of the report, line 22, strike "~~a registered~~ psychotherapist," and
21 substitute "~~a registered~~ AN UNLICENSED psychotherapist,".
- 22 Page 20 of the report, line 1, strike "AND".
- 23 Page 20 of the report, lines 1 and 2, strike "~~and registered~~
24 ~~psychotherapists;~~" and substitute "and ~~registered~~ UNLICENSED
25 psychotherapists,".
- 26 Page 20 of the report, line 3, strike "**repeal**" and substitute "**amend**".
- 27 Page 20 of the report, strike line 24 and substitute:
28 "(G) ~~Registered~~ UNLICENSED psychotherapists;".
- 29 Page 20 of the report, line 25, strike "**repeal**" and substitute "**amend**".

1 Page 20 of the report, strike line 30 and substitute:

2 "(z) ~~Registered~~ UNLICENSED psychotherapists;"

3 Page 20 of the report, line 31, strike "~~repeal~~" and substitute "**amend**".

4 Page 20 of the report, strike lines 37 and 38 and substitute:

5 "(II) State board of ~~registered~~ UNLICENSED psychotherapists,
6 created by part 7 of article 245 of title 12;"

7 Page 21 of the report, line 4, strike "AND".

8 Page 21 of the report, lines 4 and 5, strike "~~and registered~~
9 ~~psychotherapists,~~" and substitute "and ~~registered~~ UNLICENSED
10 psychotherapists,".

11 Page 21 of the report, lines 15 and 16, strike "~~registered psychotherapist,~~"
12 and substitute "~~registered~~ UNLICENSED psychotherapist,".

** *** ** *** **