

HB20-1206

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Tate

1 Amend reengrossed bill, page 9, strike lines 8 through 15 and substitute
2 "sessions is legally confidential in the case of ~~licensed marriage and~~
3 ~~family therapists, social workers, professional counselors, and~~
4 ~~psychologists, licensed or certified addiction counselors; and registered~~
5 ~~psychotherapists~~ INDIVIDUALS LICENSED, CERTIFIED, OR REGISTERED
6 PURSUANT TO THIS ARTICLE 245, except as provided in section".

7 Page 10, lines 24 and 25, strike "245 OR FOR WHICH THE PERSON HAS
8 OBTAINED THE REQUIRED CREDENTIALS." and substitute "245."

9 Page 11, line 3, after "'LSW'," insert "'CLINICAL SOCIAL WORKER
10 CANDIDATE'."

11 Page 12, after line 4 insert:

12 "SECTION 14. In Colorado Revised Statutes, **add** 12-245-222.5
13 as follows:

14 **12-245-222.5. Mental health disciplinary record work group**
15 **- creation - recommendations - report - repeal.** (1) THERE IS CREATED
16 IN THE DIVISION THE MENTAL HEALTH DISCIPLINARY RECORD WORK GROUP
17 CONCERNING RECORDS THAT IMPACT THE INITIAL LICENSURE,
18 CERTIFICATION, REGISTRATION, AND ONGOING PRACTICE OF INDIVIDUALS
19 REGULATED PURSUANT TO THIS ARTICLE 245.

20 (2) THE DIRECTOR SHALL SERVE AS A MEMBER OF THE WORK
21 GROUP AND SHALL APPOINT ADDITIONAL MEMBERS THAT INCLUDE THE
22 FOLLOWING:

23 (a) THREE MENTAL HEALTH PROFESSIONALS REGULATED
24 PURSUANT TO THIS ARTICLE 245;

25 (b) TWO REPRESENTATIVES OF ASSOCIATIONS THAT REPRESENT
26 PROFESSIONALS REGULATED UNDER THIS ARTICLE 245;

27 (c) ONE REPRESENTATIVE FROM THE OPIOID AND OTHER
28 SUBSTANCE USE DISORDERS STUDY COMMITTEE CREATED IN SECTION
29 10-22.3-101; AND

30 (d) THREE MEMBERS OF THE PUBLIC WHO OFFER EXPERTISE ON
31 CRIMINAL JUSTICE REFORM, THE MENTAL HEALTH WORKFORCE, AND
32 CONSUMER PROTECTION.

33 (3) THE DIRECTOR SHALL CONVENE MEETINGS OF THE WORK
34 GROUP, WHICH SHALL MEET AS OFTEN AS THE DIRECTOR DEEMS
35 NECESSARY. A MAJORITY OF WORK GROUP MEMBERS MUST BE PRESENT AT
36 THE MEETING IN ORDER TO PROCEED.

- 1 (4) THE WORK GROUP IS AUTHORIZED TO MEET USING ONLINE
2 COMMUNICATIONS PLATFORMS AND MAY MEET IN PERSON AS
3 CIRCUMSTANCES ALLOW.
- 4 (5) MEMBERS OF THE WORK GROUP SHALL SERVE WITHOUT
5 COMPENSATION.
- 6 (6) ON OR BEFORE JANUARY 1, 2021, THE WORK GROUP SHALL
7 CONSIDER RECOMMENDATIONS CONCERNING RULEMAKING AND
8 LEGISLATIVE ACTIONS REGARDING:
- 9 (a) THE TIMELINE FOR WHICH THE DIVISION SHALL MAKE LETTERS
10 OF ADMONITION AVAILABLE TO THE PUBLIC AND ANY EXCEPTIONS FOR
11 CONTINUED INTERNAL USE BY THE APPLICABLE REGULATOR; AND
- 12 (b) THE TIMELINES, PARAMETERS, AND CONDITIONS FOR WHICH
13 THE DIVISION IS AUTHORIZED TO DISCLOSE TO THE PUBLIC RECORDS FOR
14 CERTAIN FELONIES, DEFERRED SENTENCES, OR FELONY CHARGES THAT ARE
15 NONVIOLENT, INCLUDING NONVIOLENT DRUG OFFENSES, THAT OCCURRED
16 BEFORE THE DATE OF APPLICATION FOR INITIAL LICENSURE,
17 CERTIFICATION, OR REGISTRATION.
- 18 (7) IN CONSIDERING ITS RECOMMENDATIONS, THE WORK GROUP
19 MUST CONSIDER AND ACCEPT PUBLIC COMMENT REGARDING IMPACTS OF
20 CURRENT POLICIES ON:
- 21 (a) CONSUMER PROTECTION;
22 (b) THE MENTAL HEALTH WORKFORCE;
23 (c) SOCIAL EQUITY; AND
24 (d) PATIENT ACCESS TO CARE.
- 25 (8) THE WORK GROUP SHALL REPORT ITS FINAL
26 RECOMMENDATIONS AND A MINORITY REPORT, IF APPLICABLE, ON OR
27 BEFORE JANUARY 1, 2021 TO:
- 28 (a) THE HEALTH AND HUMAN SERVICES OF THE SENATE, OR ITS
29 SUCCESSOR COMMITTEE;
30 (b) THE HEALTH AND INSURANCE COMMITTEE AND THE PUBLIC
31 HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
32 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES;
33 (c) THE GOVERNOR; AND
34 (d) THE EXECUTIVE DIRECTOR.
- 35 (9) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2021."

36 Renumber succeeding sections accordingly.

37 Page 12, strike line 6 and substitute "(1)(a)(I) and (1)(q); and **add** (1.5)
38 as follows:".

39 Page 12, strike "(a) (I) (A)" and substitute "(a)".

40 Page 12 strike lines 17 through 27.

1 Page 13, strike lines 1 and 2.

2 Page 13, after line 11 insert:

3 "(1.5) ANY CONTRACT ENTERED INTO BY A LICENSEE, CERTIFICATE
4 HOLDER, OR REGISTRANT FOR THE PURPOSE OF MARKETING, OFFICE SPACE,
5 ADMINISTRATIVE SUPPORT, OR ANY OTHER OVERHEAD EXPENSE SHALL NOT
6 PROVIDE REMUNERATION FOR REFERRALS OF CLIENTS OR PATIENTS OR
7 OTHERWISE CREATE A FINANCIAL BENEFIT OR INCENTIVE TO THE
8 CONTRACTOR THAT IS TIED TO OR CONDITIONED ON THE NUMBER OF
9 CLIENTS OR PATIENTS THAT THE LICENSEE, CERTIFICATE HOLDER, OR
10 REGISTRANT SEES, THE VALUE OF THE SERVICES THAT THE LICENSEE,
11 CERTIFICATE HOLDER, OR REGISTRANT PROVIDES, OR ANY FINANCIAL
12 RECOVERY TO WHICH THE LICENSEE, CERTIFICATE HOLDER, OR
13 REGISTRANT IS ENTITLED."

14 Page 13, strike line 13 and substitute "(2)(d)(I); and **add** (9) as follows:".

15 Page 13, line 15, strike "**multiple licenses.**" and substitute "**multiple
16 licenses - mental health disciplinary record work group - repeal.**"

17 Page 14, strike lines 1 through 23.

18 Page 25, strike line 9 and substitute "(1), (3), and (4); and **repeal** (2) as
19 follows:".

20 Page 25, strike lines 17 through 25 and substitute:

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

30 Page 32, strike lines 15 through 22.

31 Renumber succeeding sections accordingly.

32 Page 36, lines 2 and 3, strike "~~plus revenues generated pursuant to section
33 12-245-703~~" and substitute ""~~plus revenues generated pursuant to section
34 12-245-703~~".

- 1 Page 38, line 26, before "or" insert "SOCIAL WORKER CANDIDATE,".
- 2 Page 40, strike line 20 and substitute "(1)(b)(VI) as follows:".
- 3 Page 42, strike lines 22 through 27.
- 4 Page 43, strike lines 1 and 2.
- 5 Renumber succeeding sections accordingly.

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