

Colorado Association of Psychotherapists

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LEGISLATIVE UPDATE

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Legislative Committee Takes First Steps to Continue Rights for Unlicensed to Practice

by Greg McHugh, CAP Legislative Chairman

The House Health, Environment, Welfare and Institutions Committee (HEWI) met at the State Capitol on Monday afternoon, January 12th, to hear the report and recommendations from the Department of Regulatory Agencies (DORA) concerning the licensing/registration of mental health professionals -- as well as to take public testimony. A bill, House Bill 1251, has since been prepared by the Office of Legislative Legal Services (legislative drafting office) which follows the recommendations in the report made public in October and the changes made in consensus at the HEWI Committee hearing on January 12th.

HB 1251 is scheduled for a full hearing before the same committee, at 1:30 on February 9th at which time further testimony and amendments can be considered. In general, the January HEWI Committee meeting went very well, and a majority of the recommendations from the Sunset Coalition (of which CAP is an active member) were adopted and are included in the "introduced bill", HB 1251. At the January hearing Greg McHugh testified on behalf of CAP, and he and Bill Hanna (CAP's lobbyist) also spoke with several members of the Committee individually during breaks and at the conclusion of the hearing.

After the bill passes through the House HEWI Committee it will go through one or two more additional committees and then to the floor of the House for second and third readings - further de-

bate and voting, but no public testimony. Then the amended bill will go to the State Senate for the same process. If all goes well and any existing differences between the Senate version and the House version are resolved, the bill will go to the governor for signing into law, probably by the end of April. The effective date of the new law will be July 1, 2004.

HB 1251 includes the continuation of the current board structure of the Mental Health Grievance Board (for unlicensed therapists) and the licensing boards. In contrast to other years, there were no efforts to prohibit unlicensed practitioners from practicing. This is a major shift in the general consensus among the professionals and the state. All fears that there would be a major movement to mandate licensure for all practitioners have dissolved in the community of collaboration that has developed in the State Mental Health Sunset Coalition.

There will always be those individuals who believe that all practitioners should be licensed. Never the less, the collaborative atmosphere of the coalition and the DORA recommendations represents a very important shift and a major accomplishment for CAP and the provider community.



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Following are some of the major provisions of the legislation as it awaits the next hearing:

- Continues the boards of psychologist examiners, social work examiners, marriage and family therapists, and licensed professional counselor examiners, the state grievance board, and the department of regulatory agency's licensing and disciplinary functions relating to the addiction counselors programs until 2011.
- Eliminates the requirement for periodic joint meetings and allows the boards to conduct meetings by electronic means. *This is the main provision for unlicensed psychotherapists to practice and consumers to have choice.*
- Repeals the requirement that the fees for each board remain uniform.
- Repeals the requirement that candidates for listing in the data base of unlicensed psychotherapists and certified addiction counselor candidates attend a jurisprudence workshop and requires the candidates to pass a written, mail-in examination. *Cap and the coalition are opposed to this as it would place an unfair burden upon the small number of licensed marriage and family therapists and raise unlicensed therapist fees also. We and the other coalition lobbyists are working to put back the current system of uniform fees*
- Clarifies that the exemption from regulation for mental health professionals only applies to court-appointed mental health professionals working within the scope of the appointment.
- Increases the length of time that sexual contact with a client is prohibited from 6 months to 2 years after the professional relationship has ended.
- Changes the grounds for discipline from "addicted to or dependent on alcohol or any habit-forming drug" to habitual or excessive use or abuse of alcohol or drugs.
- Allows mental health boards to conduct meetings by electronic means.
- Repeals the requirement that mental health boards meet jointly.
- Repeals the requirement that members of the mental health boards take an oath.
- Requires all board meetings to be open to the public.
- Changes the time in which to appeal a letter of admonition from 20 days after the date of proven receipt to within 30 days after the date of the mailing of the letter.
- Creates a peer assistance diversion program for mental health professionals.
- Requires mental health professionals seeking licensure to pass one written examination for licensure and one written mail-in jurisprudence examination. *This would eliminate the current workshop format and internet format for jurisprudence courses and exam. CAP and the Coalition are working to reinstate the current format.*
- Repeals the direct regulation of registered social workers and licensed independent social workers by the board of social work examiners. Attaches the title protection for social worker to the attainment of a master's of social work or higher and to practicing social workers who received bachelor's degrees before July 1, 2004. Requires that social workers who practice psychotherapy in hospitals provide their clients with certain disclosures.
- Exempts mental health professionals from providing disclosures to clients in a hospital.
- Exempts licensed addiction counselors from being compelled to testify in court without the consent of the client. Allows licensed addiction counselors to place a person under a 72-hour mental health hold.
- Creates the board of addiction counselor examiners and transfers authority from the division of registrations to the board.