

Colorado Association of Psychotherapists

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LEGISLATIVE UPDATE

Posted March 29, 2004

H.B. 1251 Mental Health - Psychotherapy Bill Passes Senate 35 - 0

by Greg McHugh, CAP Legislative Chairman

March 25, 2004 marked another milestone in the collaborative work of the Colorado Association of Psychotherapists (CAP) and the other members of the Mental Health Coalition: the National Association of Social Workers, Colorado Psychologists Association, the groups representing the Marriage and Family Therapists, the Addiction Counselors, and the Licensed Professional Counselors.

Passage of this bill in the Senate on third reading followed the bills' passage in a hearing before the Senate Health, Environment, Welfare and Institutions Committee (HEWI) Committee last week, and passage on second reading on the Senate floor earlier this week.

CAP Members and visitors to the web site wanting more detail on the history can refer to earlier Legislative Updates and the CAP Newsletter, CAP-Stone, on our CAP web site at <http://www.c-a-p.org>.

The bill now awaits the House of Representatives acceptance of the Senate amendments to the bill and then goes to the governor for signing into law.



Following are some of major provisions of the legislation:

- 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. (*The coalition had lobbied to bring about a licensing and governing board for the addiction counselors but these efforts died in the first regular hearing on the bill on a party line vote, 6 to 5.*)
- The bill repeals the requirement that candidates for listing in the database of unlicensed psychotherapists and certified addiction counselor candidates attend a jurisprudence workshop, and instead requires the candidates to pass a written, mail-in examination. (*This will eliminate the current workshop and Internet formats for jurisprudence courses and exam.*)
- The bill changes the current uniform fee structure for unlicensed and licensed practitioners to an individual fee system to be set by each board. (*The coalition opposed this change as it may place an undue and disproportionate weight upon the smallest group - the licensed marriage and family counselors.*)

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Provisions (cont.)

- Increases the length of time that sexual contact with a client is prohibited from six months to two 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".
- 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 all 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.

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