

COLORADO ASSOCIATION OF PSYCHOTHERAPISTS
LEGISLATIVE UPDATE
April 26, 2006

House Bill 1170 Passes with CAP amendment included

HB 1170, Rep. Paul Weissmann, of Boulder, passed 3rd and final reading in the Colorado House of Representatives this week and now goes to the Senate for public hearing and debate and floor action.

The intention of the sponsor was to create an avenue for practice for alternative health care practitioners that is outside of the jurisdiction of the Medical Practice Act. As first introduced HB 1170 would have also compromised the element of consumer protection in the psychotherapy law, and allowed that people could practice psychotherapy without being in the database as unlicensed psychotherapists or being licensed psychotherapists. It would have left no recourse for consumers to grieve or bring injunction against a practitioner doing psychotherapy outside of the Mental Health Grievance Board or the licensing boards (except for civil action suits).

The supporters of the bill wanted to circumvent the Medical Practice Act to allow consumers the choice of receiving alternative health care services without the alternative health care practitioners risking their practice in “violation” of the Medical Practice Act. For a long time, the medical practice act has been strictly interpreted to prohibit a broad range of alternative health care services.

This version of the “Health Freedom Act”, (passed in California and Minnesota) was very confusing and conflicting as introduced. Even the amended version, as it passed out of the House committee, was dangerous for consumers and was decimating to the psychotherapy laws. *CAP tried to persuade the sponsor and the supporting groups that current Colorado law was actually already very permissive in allowing alternative mental health care services to be provided by practitioners who choose NOT to be licensed while at the same time it provides consumer protection.*

Finally, our CAP lobbyist gained the understanding of the House Sponsor, Rep Weissmann, and so when the bill went for hearing before the House Appropriations Committee, Rep. Weissmann introduced an amendment that was a total rewrite of the content of the bill. It provided an avenue for alternative care practitioners to practice but kept Title 12 of state law and the Psychotherapy laws intact without being breached in any way. He persuaded the Appropriations Committee that his amendment was not substantive policy change from the earlier House committee’s version and the bill passed to the House floor. *The amended version now included a prohibition for violation of the psychotherapy law.*

CAP and its board members felt that other language should be added to make it explicit that any alternative health care provider would be considered to have been engaged in

deceptive trade practice if they held themselves out as psychotherapists included in the state's data base. So, Bill Hanna, our lobbyist, drafted language that was approved by Rep. Weissmann and was amended onto the bill on House "Second Reading". A few days later the bill passed out of the House on "Third Reading". It now goes to the Senate for the same process it went through in the house – committee hearings and Senate floor actions. Then if the Senate version agrees, (assuming passage)it goes to the governor for his signature.

CAP's board involvement and vigilance and its members' financial support for this activity really paid off. We played a clear leadership role with the other providers groups (psychologists, social workers, etc.) in "heading off" the bad destructive language and replacing it with language that keeps in tact practitioners' rights and consumers' protection.

We still have another 6 weeks to go and must maintain that vigilance through the bill's journey in the Senate to the end of this state legislative session in May.

If you want to get a copy of the bill you can go to the link below this Legislative Update (HB 1170 House Version 4.26.06) to retrieve a PDF format file of the bill as passed through the House.

If you have any questions on this legislative process or the bill, you can contact Greg McHugh CHT, CAP Legislative Chair at 303 995 4276 or write him at greg@gregmchugh.com.