

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

DRAFT

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LLS NO. 18-####.## Jane Ritter x4342

COMMITTEE BILL

Statutory Revision Committee

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING LANGUAGE IN THE MENTAL HEALTH**
102 **PRACTICE ACT CONCERNING GENERALLY ACCEPTED STANDARDS**
103 **OF PRACTICE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Statutory Revision Committee. The bill adds clarifying language to a section in the mental health practice act, article 43 of title 12, Colorado Revised Statutes, concerning prohibited activities. Specifically,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

the bill clarifies what is included in the phrase "generally accepted standards of practice".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that its intent in enacting **House Bill/Senate Bill 18-** is to
4 effect a nonsubstantive change in statute to clarify language in section
5 12-43-222, Colorado Revised Statutes, concerning "generally accepted
6 standards of practice". The general assembly further declares that the
7 addition of such clarifying language to the section does not in any way
8 alter the scope or applicability of the statutory section involved.

9 **SECTION 2.** In Colorado Revised Statutes, 12-43-222, **amend**
10 **(1)(g)(I)** as follows:

11 **12-43-222. Prohibited activities - related provisions.** (1) A
12 person licensed, registered, or certified under this article 43 violates this
13 article 43 if he or she:

14 (g) (I) Has acted or failed to act in a manner that does not meet the
15 generally accepted standards of the professional discipline under which
16 the person practices. Generally accepted standards may include, at the
17 board's discretion, ~~the standards of practice generally recognized by state~~
18 ~~and national associations of practitioners~~ A MALPRACTICE JUDGMENT OF
19 A COURT OF COMPETENT JURISDICTION OR THE ETHICS CODE OF AN
20 ASSOCIATION WHERE THE PRACTITIONER HOLDS MEMBERSHIP in the field
21 of the person's professional discipline.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2018 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.