

LLS No. 20-0516 _AMENDMENT #1
HOUSE SUNSET COMMITTEE AMENDMENT
Committee on Public Health Care and Human Services
LLS No. 20-0516 be amended as follows:

1 Amend LLS No. 20-0516, page 2, after line 1 insert:
2 "SECTION 1. In Colorado Revised Statutes, 12-245-204, amend
3 (5) as follows:
4 **12-245-204. Boards - division to supervise - meetings - duties**
5 **- powers - rules - removal of members - limitation on authority.**
6 (5) In carrying out its duties related to the approval of applications for
7 licensure, registration, or certification pursuant to this section, section
8 12-245-214, and this article 245, each board shall delegate the function
9 of the preliminary review and approval of applications to the staff of the
10 board, with approval of an application ratified by action of the board IF
11 RATIFICATION IS DEEMED NECESSARY BY THE BOARD. Each board, in its
12 sole discretion, may individually review any application requiring board
13 consideration prior to the approval of the application pursuant to section
14 12-245-214 and this article 245."

15 Renumber succeeding sections accordingly.

16 Page 4, after line 14 insert:
17 "SECTION 5. In Colorado Revised Statutes, 12-245-213, amend
18 (1) introductory portion as follows:
19 **12-245-213. Professional service corporations for the practice**
20 **of psychology, social work, marriage and family therapy,**
21 **professional counseling, and addiction counseling - definitions.**
22 (1) Licensees, registrants, or certificate holders may, BUT ARE NOT
23 REQUIRED TO, form professional service corporations for the practice of
24 psychology, social work, marriage and family therapy, professional
25 counseling, psychotherapy, or addiction counseling under the "Colorado
26 Business Corporation Act", articles 101 to 117 of title 7, if the
27 corporations are organized and operated in accordance with this section.
28 The articles of incorporation of a professional service corporation formed
29 pursuant to this section must contain provisions complying with the
30 following requirements:

31 **SECTION 6.** In Colorado Revised Statutes, 12-245-216, amend
32 (1)(d)(IV) and (1)(e); and add (1)(f) as follows:
33 **12-245-216. Mandatory disclosure of information to clients.**

1 (1) Except as otherwise provided in subsection (4) of this section, every
2 licensee, registrant, or certificate holder shall provide the following
3 information in writing to each client during the initial client contact:

4 (d) A statement indicating that:

5 (IV) The information provided by the client during therapy
6 sessions is legally confidential in the case of licensed marriage and family
7 therapists, social workers, professional counselors, and psychologists;
8 licensed or certified addiction counselors; and registered
9 psychotherapists, except as provided in section 12-245-220 and except for
10 certain legal exceptions that will be identified by the licensee, registrant,
11 or certificate holder should any such situation arise during therapy; and

12 (e) If the mental health professional is a registered psychotherapist,
13 a statement indicating that a registered psychotherapist is a
14 psychotherapist listed in the state's database and is authorized by law to
15 practice psychotherapy in Colorado but is not licensed by the state and is
16 not required to satisfy any standardized educational or testing
17 requirements to obtain a registration from the state; AND

18 (f) A STATEMENT INDICATING THAT A CLIENT'S RECORDS MAY NOT
19 BE MAINTAINED AFTER SEVEN YEARS PURSUANT TO SECTION 12-245-226
20 (1)(a)(II)(A)."

21 Renumber succeeding sections accordingly.

22 Page 6, after line 10 insert:

23 "SECTION 9. In Colorado Revised Statutes, 12-245-220, amend
24 (2) introductory portion and (2)(d)(IV)(B); and repeal (6) as follows:

25 **12-245-220. Disclosure of confidential communications -**
26 **definitions.** (2) Subsection (1) of this section does not apply AND A
27 PERSON MAY DISCLOSE CONFIDENTIAL INFORMATION when:

28 (d) (IV) (B) ~~Notwithstanding subsection (6) of this section;~~ This
29 subsection (2)(d) applies to covered entities, as defined in HIPAA.

30 (6) ~~This section does not apply to covered entities, their business~~
31 ~~associates, or health oversight agencies, as each is defined in the federal~~
32 ~~"Health Insurance Portability and Accountability Act of 1996", as~~
33 ~~amended by the federal "Health Information Technology for Economic~~
34 ~~and Clinical Health Act", Pub.L. 111-5, as amended, and the respective~~
35 ~~implementing regulations."~~

36 Renumber succeeding sections accordingly.

1 Page 6, line 13, strike "(1)(a)" insert "(1)(a), (1)(o), and (1)(q)".

2 Page 6, after line 26 insert:

3 "(o) Has accepted commissions or rebates or other forms of
4 remuneration for referring clients to other professional persons, UNLESS
5 THE REMUNERATION IS BASED ON SERVICES PROVIDED AND NOT FOR THE
6 REFERRAL ITSELF;

7 (q) Has offered or given commissions, rebates, or other forms of
8 remuneration for the referral of clients ~~except that~~ UNLESS THE OFFER OR
9 REMUNERATION WAS FOR SERVICES PROVIDED AND NOT FOR THE
10 REFERRAL ITSELF. A licensee, registrant, or certificate holder may pay an
11 independent advertising or marketing agent compensation for advertising
12 or marketing services rendered on the person's behalf by the agent,
13 including compensation that is paid for the results of performance of the
14 services on a per-patient basis."

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