

Applying the Sunset Review Statutory Criteria, the Mental Health Practice Act, to the Licensed Provider Groups Proposal to end the Provisions for Registered Psychotherapists

Adapted from CRS 24 24 104 Administrative Procedures Act

Sunset Review selected statutory criteria as applied to this legislative proposal:

Criterion Whether or not regulation (proposed law or amendment to current law) by the agency (or any individual) is necessary to protect the public health, safety, and welfare; whether the conditions that led to the initial regulation (statute) have changed; and whether other conditions have arisen that would warrant more, less, or the same degree of regulation;

Commentary: The proposal by the licensed providers does not establish any demonstrable need for added protection of the public health, safety, and welfare that would be addressed by the cessation of the Board of Registered Psychotherapists.

Criterion: If legislative change is introduced in accord with the licensed provider groups proposal the Department of Regulatory Agencies and the legislature must review and determine whether or not the existing statutes and regulations already have established the least restrictive form of regulation consistent with the public interest, and whether or not the proposal would enhance the public interest within the scope of legislative intent of the Mental Health Practice Act.

Commentary: The provider groups proposal would require a more restrictive form of regulation for those existing and future Registered Psychotherapists by requiring them to take and pay for further education in specialized graduate degrees and supervision for two years. In many cases the mandated degree programs might not even be in accord with the treatment philosophies of the therapist.

Cost estimates for education and supervision Ranged in testimony from the APA in the 2/19/20 hearing of \$40,000 TO \$60,000 not including lost of income from current private practice.

Question: Would the provider groups proposal restrict competition or stimulate competition? This proposal is actually an effort by the provider groups to remove Registered Psychotherapists from the field of practitioners. It would restrict competition by establishing costly requirements for licensure (within 5 years) for practitioners who had been successful as Registered Psychotherapists. The state could lose the resources of several thousand of these practitioners.

Commentary: The process of the licensed provider groups has been surreptitious and not transparent, ignoring the 50 year history of the legislature's Sunset Review process. It is an effort to strike the competition of 3800 Registered Psychotherapists . If passed it would be declared unconstitutional.

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