
Society of Addiction Counselors of Colorado

[HB11-1138](#)

Sex Offender Management Board

Position:

Calendar Notification: Bill HB11-1138 - GARDNER B. / MORSE Sex Offender Management Board

Tuesday, April 5 2011
SENATE APPROPRIATIONS COMMITTEE
7:30 A.M. SCR 356
(2) in senate calendar.

Short Title: Sex Offender Management Board

Sponsors: GARDNER B. / MORSE

Summary: The bill extends the sex offender management board (board) for 10 years to September 1, 2020, and revises the board's duties. Section 1: The bill amends the language of the legislative declaration for the board, as well as language in other sections in the statutory article that governs the board (article) to refer to juvenile offenders as "juveniles who have committed sexual offenses" rather than labeling juveniles as sex offenders. Section 2: The bill adds the definitions "adult sex offender" and "juvenile who has committed a sexual offense" for purposes of the article. Section 3: The bill reorganizes the provisions relating to the appointment of board members. The board members appointed by a specific appointing authority are listed under the appointing authority, and all board members will serve 4-year terms. Under current law, the executive director of the department of public safety appoints the board's presiding officer. The bill requires that the members of the board elect a chair and vice-chair of the board from among the members of the board and establishes 2-year terms for the presiding officers. The bill recreates and reenacts, with amendments, the provisions relating to the board's creation and duties. With respect to the board's duties, the bill:

- * Requires the board to prescribe a standardized procedure for the evaluation and identification of adult sex offenders based upon the knowledge that sexually offending behavior is repetitive and that there is no way to ensure that adult sex offenders with the propensity to commit sexual offenses will not reoffend;
- * Requires the board to develop a procedure for evaluating and identifying reliably lower-risk sex offenders;
- * Removes the requirement that the board develop and implement

standards for a system of programs for the treatment of adult sex offenders. This change is mirrored in provisions relating to juveniles.

* Adds family counseling and shared living arrangements to the continuum of treatment programs that may be used for adult sex offenders. This change is mirrored in provisions relating to juveniles.

* Clarifies that, to the extent possible, treatment programs may be accessed by all offenders, including those with mental illness and co-occurring disorders. This change is mirrored in provisions relating to juveniles.

* Clarifies that the board's duty to research and analyze the effectiveness of evaluation, identification, and treatment policies and procedures for adult sex offenders. The board shall review and research factors that contribute to reoffense and the containment model and its effective application and shall prepare and present a report to the judiciary committees of the general assembly, on or before December 1, 2011, concerning the board's research and analysis.

* Includes within the board's duties the existing requirement that the board collaborate with other agencies to establish standards for community entities that provide supervision and treatment for adult sex offenders who have developmental disabilities;

* Clarifies that the board and the individual board members shall be immune from liability for the good faith performance of all of the board's duties set forth in statute and not just those duties set forth in the statutory section related to the sex offender management board's duties; and

* Requires the board to collaborate with certain agencies and advocacy groups to develop best-practice guidelines for providing services to persons with developmental disabilities with identified high-risk sex offending behaviors and to provide the guidelines to providers and to community centered boards. Sections 4 and 5: The bill amends the statutory language to refer to juvenile offenders as "juveniles who have committed sexual offenses" rather than labeling juveniles as sex offenders. Section 6: The bill repeals and reenacts, with amendments, the statutory section that addresses sex offender treatment. The bill grants the board specific authority to develop an application and review process for the approval of persons to be placed on a list of persons who may provide sex offender evaluation, treatment, and polygraph services pursuant to the article (list), as well as a renewal process for those persons. The bill establishes a formal process to review complaints and grievances against providers who provide services pursuant to the article. The board shall refer all complaints or grievances against providers to the department of regulatory agencies (DORA). The appropriate mental health board in DORA (DORA board) shall review all complaints or grievances received by DORA or referred to DORA by the board. The DORA board shall investigate the complaints and grievances and shall provide the board with the results of the investigation and advise the board of any disciplinary action the DORA board takes with respect to a professional license. The board may take any disciplinary action permitted by law against the individual or entity, including but not limited to removing the individual from the list. The board may determine

the requirements for a provider to be placed on the list after the provider has been removed from the list for disciplinary or other reasons. The board shall review and investigate complaints or grievances against individuals providing polygraph services pursuant to the article. Section 7: The bill requires the board to report annually to the judiciary committees of the general assembly regarding information pertaining to the treatment of sex offenders, and the report may include the board's recommendations for legislation related to treatment of sex offenders. Sections 8 and 9: The bill makes conforming amendments. Sections 10 and 11: The bill requires DORA to conduct a sunset review of the board prior to the new termination date.

Status: 03/23/2011 Senate Committee on State, Veterans & Military Affairs
Refer Amended to Appropriations

Amendments:

House Journal, February 23

48 HB11-1138 be amended as follows, and as so amended, be referred to

49 the Committee on Appropriations with favorable
50 recommendation:

51

52 Amend printed bill, page 4, line 13, after "ESTABLISHES" insert
53 "EVIDENCE-BASED".

54

55 Page 4, line 17, strike "SO THAT SUCH OFFENDERS WILL STOP"
and

56 substitute "TO PREVENT OFFENDERS FROM REOFFENDING AND
ENHANCE

1 THE PROTECTION OF VICTIMS AND POTENTIAL VICTIMS."

2

3 Page 4, strike line 18.

4

5 Page 4, line 19, strike "VICTIMS WILL BE ENHANCED".

6

7 Page 4, line 22, strike "(1)," and substitute "(1) and (2) (a) (IV)," and
8 strike "is" and substitute "are".

9

10 Page 5, line 3, strike "IS".

11

12 Page 5, strike line 4 and substitute "HAS BEEN CONVICTED, AS".

13

14 Page 5, strike lines 10 through 12 and substitute "A JUVENILE WHO
HAS

15 BEEN ADJUDICATED AS A JUVENILE OR WHO RECEIVES A
DEFERRED

16 ADJUDICATION ON OR AFTER JULY 1, 2002, FOR AN OFFENSE
THAT WOULD

17 CONSTITUTE A SEX OFFENSE, AS DEFINED IN SUBSECTION (3)
OF THIS

18 SECTION, IF COMMITTED AS AN ADULT, OR A JUVENILE WHO
19 HAS
20 COMMITTED ANY OFFENSE, THE UNDERLYING FACTUAL BASIS
21 OF WHICH
22 INVOLVES A SEX OFFENSE.

23
24 (2) (a) "Sex offender" means any person who is:

25
26 (IV) Adjudicated as a juvenile or who receives a deferred
27 adjudication on or after July 1, 2002, for an offense that would
28 constitute
29 a sex offense if committed by an adult or for any offense, the
30 underlying
31 factual basis of which involves a sex offense A JUVENILE WHO HAS
32 COMMITTED A SEXUAL OFFENSE."

33
34 Page 8, line 24, strike "THE KNOWLEDGE" and substitute
35 "EXISTING
36 RESEARCH DEMONSTRATING" and strike "REPETITIVE." and
37 substitute
38 "REPETITIVE, AND THAT".

39
40 Page 8, line 25, strike "THERE" and substitute "THERE".

41
42 Page 8, line 27, strike "HOWEVER," and substitute "BECAUSE".

43
44 Page 9, strike lines 3 and 4 and substitute "MANAGEMENT, AND
45 MONITORING, THE BOARD SHALL DEVELOP A PROCEDURE
46 FOR".

47
48 Page 9, line 5, strike "IDENTIFYING" and substitute "IDENTIFYING,
49 ON A
50 CASE-BY-CASE BASIS,".

51
52 Page 9, line 27, after "OPTIONS" insert "SHALL BE DETERMINED
53 BY A
54 CURRENT RISK ASSESSMENT AND EVALUATION AND".

55
56 Page 11, strike line 11 and substitute "WHO SUFFERS FROM
57 PSYCHOPATHY
58 OR A".

59
60 Page 11, line 13, strike "FOR PURPOSES OF".

61
62 Page 11, strike lines 14 through 18.

63
64 Page 11, line 19, strike "PERSONS.".

65
66 Page 12, line 6, strike "ARTICLE" and substitute "ARTICLE, THE
67 EFFECTIVE

1 USE OF COGNITIVE BEHAVIORAL THERAPY TO PREVENT
2 REOFFENSE, THE
3 USE OF POLYGRAPHS IN TREATMENT,".
4
4 Page 14, line 23, strike "COMMUNITY." and substitute "COMMUNITY
5 AND
6 THAT CERTAIN JUVENILES MAY HAVE THE CAPACITY TO
7 CHANGE THEIR
8 BEHAVIOR WITH APPROPRIATE INTERVENTION AND
9 TREATMENT."
10
10 Page 16, strike lines 23 through 27.
11
11 Renumber succeeding subsections accordingly.
12
12 Page 17, strike lines 1 through 16.
13
14 Page 17, line 22, strike "2020." and substitute "2015."
15
16 Page 18, line 3, strike "BEEN ADJUDICATED FOR" and substitute
17 "COMMITTED".
18
19 Page 27, line 16, strike "(51.5)," and substitute "(46),".
20
21 Page 27, strike lines 20 through 23 and substitute "(46) The following
22 agencies, functions, or both shall terminate on July 1, 2015:
23
24 (o) THE SEX OFFENDER MANAGEMENT BOARD CREATED IN
25 SECTION
26 16-11.7-103, C.R.S."
27

House Journal, March 4

20 HB11-1138 be amended as follows, and as so amended, be referred
21 to
22 the Committee of the Whole with favorable
23 recommendation:
24 Amend printed bill, page 27, before line 24 insert:
25
26 "SECTION 12. Appropriation. (1) In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys in the
28 general fund not otherwise appropriated, to the department of public
29 safety, for allocation to the division of criminal justice, for sex offender
30 supervision, for the fiscal year beginning July 1, 2011, the sum of
31 three
32 hundred eighteen thousand five hundred sixty-five dollars (\$318,565)
33 and
34 3.2 FTE, or so much thereof as may be necessary, for the

implementation
33 of this act.
34
35 (2) In addition to any other appropriation, there is hereby
36 appropriated, out of any moneys in the sex offender surcharge fund
37 created in section 18-21-103 (3), Colorado Revised Statutes, not
38 otherwise appropriated, to the department of public safety, for
allocation
39 to the division of criminal justice, for the sex offender surcharge fund
40 program, for the fiscal year beginning July 1, 2011, the sum of one
41 hundred fifty-two thousand five hundred thirty-six dollars (\$152,536)
42 cash funds and 1.5 FTE, or so much thereof as may be necessary,
for the
43 implementation of this act."
44
45 Renumber succeeding section accordingly.
46
47 Page 1, line 101, strike "BOARD." and substitute "BOARD, AND
MAKING
48 AN APPROPRIATION THEREFOR."
49
50

Senate Journal, March 24

After consideration on the merits, the Committee recommends that
HB11-1138 be
amended as follows, and as so amended, be referred to the Committee
on Appropriations
with favorable recommendation.
Amend reengrossed bill, page 17, line 19, strike "2015." and substitute
"2016."

Corrected page 27, strike lines 13 through 20 and substitute:

"SECTION 11. 24-34-104 (47.5), Colorado Revised Statutes, is
amended BY THE ADDITION OF A NEW PARAGRAPH to read:
24-34-104. General assembly review of regulatory agencies
and functions for termination, continuation, or reestablishment.
(47.5) The following agencies, functions, or both, shall terminate on
September 1, 2016:
(c) THE SEX OFFENDER MANAGEMENT BOARD CREATED IN
SECTION
16-11.7-103, C.R.S."

Fiscal Notes: [Fiscal Note](#)

Position:**Calendar
Notification:**

NOT ON CALENDAR

Short Title:

Fetal Alcohol Spectrum Disorders

Sponsors:

SOLANO / TOCHTROP

Summary:

The bill includes a legislative declaration of the general assembly's findings regarding fetal alcohol spectrum disorders (FASD), the FASD commission (commission), and the purposes for the bill. The number of members of the commission is increased by adding a representative of the department of education and a representative of a licensed beverage trade association in Colorado. The automatic repeal date for the commission is extended until June 30, 2015. The commission is directed to evaluate the use of health warning information about the dangers of alcohol consumption during pregnancy. The commission is directed to report to the unit that administers alcohol and drug abuse programs in the department of human services and to the health and human services committees of the senate and the house of representatives, or any successor committees, about the responses from licensed beverage retailers and patrons to the warning signs and make recommendations on how and where to use the signs and other information in the future. The bill requires individual and group insurance policies issued or renewed on or after January 1, 2012, by companies regulated by the state insurance commissioner to cover the cost of a multidisciplinary evaluation as requested by the primary health care provider of a child under the age of 18 who is suspected of having FASD. The bill directs that the written report of the evaluation shall be sent by the diagnostic team to the child's primary health care provider and to the parent, guardian, or primary caregiver of the child. The bill states that nothing in the mandated coverage provision shall be construed to affect any existing benefits or services provided to a policyholder or dependent child. The evaluation is subject to the same copayments applicable for other diagnostic and evaluation benefits covered within the policyholder's health benefit plan. The evaluation shall be exempt from a deductible or dollar limit provision under the policyholder's health benefit plan. If the "essential benefits" provisions for insurance policies offered through the health exchange marketplaces in 2014 under the federal health care reform act do not include coverage for a multidisciplinary evaluation for diagnosing FASD, thereby triggering a potential cost to the state, the bill directs the Colorado interagency health reform implementing board in the governor's office to study the coverage of FASD and to advise and make recommendations to the general assembly about whether the state should cover the costs of a multidisciplinary evaluation or treatment or both of FASD for health care exchange enrollees. The general assembly finds that the Colorado health care program for children with special health care needs housed in the prevention services division in the department of public health and environment is an effective method to provide information and support to local communities and families in need of diagnostic and evaluation services. The department of public

health and environment is encouraged to enhance the capacity of local communities to serve families of children who have or are suspected of having neurodevelopmental delays, including FASD, by supporting and promoting local multidisciplinary diagnostic and evaluation clinics.

Status: 03/25/2011 Governor Action - Signed

Amendments:

House Journal, February 14

35 HB11-1144 be amended as follows, and as so amended, be referred to

36 the Committee of the Whole with favorable
37 recommendation:

38

39 Amend printed bill, page 5, line 15, strike "and".

40

41 Page 5, strike lines 16 through 19 and substitute:

42 "(e) The diagnostic and evaluation clinics of the Colorado health
43 care program for children with special health care needs in the
prevention

44 services division in the department of public health and environment
are

45 effective methods for providing information and support to local
46 communities and families in need of diagnostic and evaluation
services;

47 and

48 (f) Multidisciplinary diagnostic evaluations will result in:".

49

50 Page 5, line 22, strike "cost savings to insurance companies" and
51 substitute "savings".

52

53 Page 6, line 3, strike "section;" and substitute "section regarding
54 representation on the FASD commission;".

55

56 Page 10, strike lines 18 through 27.

1 Strike pages 11 through 13.

2

3 Renumber succeeding section accordingly.

4

5 Page 1, line 104, strike "COMMISSION," and substitute
"COMMISSION

6 AND".

7

8 Page 1, strike lines 105 through 108 and substitute "OF HEALTH
9 WARNING INFORMATION.".

10

11

Fiscal Notes: [Fiscal Note](#)

[HB11-1189](#)

Bail Bond Conditions For 3rd DUI

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Bail Bond Conditions For 3rd DUI

Sponsors: FIELDS / KING K.

Summary: If a person is arrested for driving under the influence or driving while ability impaired and has been convicted of either offense at least twice previously, the bill requires the court to impose the following conditions on the person's bail bond:

- * Participation in a substance abuse treatment program;
- * Electronic monitoring;
- * Drug or alcohol testing; and
- * Use of an interlock device, if appropriate. A defendant may file a motion with the court for relief from any of the above conditions. The court must conduct a hearing to determine whether the conditions are in the interest of justice and serve the public safety. If the court waives any of the conditions, it must provide a written order explaining the decision.

Status: 03/30/2011 Sent to the Governor

Amendments:

Senate Journal, March 17

After consideration on the merits, the Committee recommends that HB11-1189 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 7, strike "BEEN AT LEAST TWICE PREVIOUSLY".

Page 2, strike lines 8 though 18 and substitute "ONE OR MORE PREVIOUS CONVICTIONS FOR AN OFFENSE IN SECTION 42-4-1301, C.R.S., OR ONE OR MORE CONVICTIONS IN ANY OTHER JURISDICTION THAT WOULD CONSTITUTE A VIOLATION OF SECTION 42-4-1301, C.R.S., AS A CONDITION OF ANY BAIL BOND, THE COURT SHALL ORDER THAT THE DEFENDANT ABSTAIN FROM THE USE OF ALCOHOL OR THE ILLEGAL USE OF DRUGS AND SUCH ABSTINENCE SHALL BE MONITORED."

Page 3, line 8, strike "IF THE COURT".

Page 3, strike lines 9 and 10.

Judiciary

Fiscal Notes: [Fiscal Note](#)

[HB11-1200](#) Substance Abuse Assessment At Intake

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Substance Abuse Assessment At Intake

Sponsors: BARKER / ROBERTS

Summary: The bill permits the probation department to perform a substance abuse assessment at intake if the presentence report was waived.

Status: 03/29/2011 Senate Committee on Finance Refer Unamended to Appropriations

Amendments:

Fiscal Notes: [Fiscal Note](#)

[HB11-1261](#) DUI Per Se For Excess THC In Blood

Position:

Calendar Notification: Bill HB11-1261 - WALLER / KING S. DUI Per Se For Excess THC In Blood
Monday, April 11 2011
SENATE JUDICIARY COMMITTEE
1:30 P.M. Old Supreme Court
(1) in senate calendar.

Short Title: DUI Per Se For Excess THC In Blood

Sponsors: WALLER / KING S.

Summary: The bill allows a person who drives with a tetrahydrocannabinols (THC) blood content of 5 nanograms or more to be charged with DUI per se.

Status: 03/25/2011 Introduced In Senate - Assigned to Judiciary

Amendments:

House Journal, March 11

18 HB11-1261 be amended as follows, and as so amended, be referred
to

19 the Committee on Appropriations with favorable
20 recommendation:

21

22 Amend printed bill, page 2, strike lines 14 and 15 and substitute:

23 "(102.8) "TETRAHYDROCANNABINOLS" MEANS DELTA 9-
24 TETRAHYDROCANNIBINOL, THE MAIN PSYCHOACTIVE
INGREDIENT OF
25 CANNABIS."

26

27 Page 2, line 18, after "MILLILITER OF" insert "WHOLE".

28

29 Page 4, strike lines 18 through 27.

30

31 Page 5, strike lines 1 and 2.

32

33 Renumber succeeding sections accordingly.

34

35 Page 6, after line 4 insert:

36 "SECTION 6. The introductory portion to 18-18-102 (35) (a),
37 Colorado Revised Statutes, is amended to read:

38

39 18-18-102. Definitions. As used in this article:

40

41 (35) (a) "Tetrahydrocannabinols" means synthetic equivalents of
42 the substances DELTA 9-TETRAHYDROCANNIBINOL, NATURAL
OR

43 SYNTHETIC, contained in the plant, or in the resinous extractives of,
44 cannabis, sp., or synthetic substances, derivatives, and their isomers
with

45 similar chemical structure and pharmacological activity, such as the
46 following:

47

48 SECTION 7. 18-3-106 (1) (b) (II), the introductory portion to 18-
49 3-106 (2) and 18-3-106 (2) (c), Colorado Revised Statutes, are
amended,

50 and the said 18-3-106 is further amended BY THE ADDITION OF A
51 NEW SUBSECTION, to read:

52

53 18-3-106. Vehicular homicide. (1) (b) (II) For the purposes of
54 this subsection (1), "one or more drugs" shall mean all substances
defined

55 as a drug in section 12-22-303 (13), C.R.S., and all controlled
substances

56 defined in section 12-22-303 (7), C.R.S. SECTION 18-18-102 (5), and
glue-

1 sniffing, aerosol inhalation, or the inhalation of any other toxic vapor or

2 vapors as defined in section 18-18-412.

3

4 (2) In any prosecution for a violation of subsection (1) of this
5 section, the amount of alcohol in the defendant's blood or breath at the
6 time of the commission of the alleged offense, or within a reasonable
time

7 thereafter, as shown by analysis of the defendant's blood or breath,
shall

8 give RISE to the following presumptions OR INFERENCES:

9

10 (c) If there was at such time 0.08 or more grams of alcohol per
11 one hundred milliliters of blood, or if there was at such time 0.08 or
more

12 grams of alcohol per two hundred ten liters of breath, it shall be
presumed

13 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that
the defendant

14 was under the influence of alcohol.

15

16 (2.5) IN ANY PROSECUTION FOR A VIOLATION OF SUBSECTION
(1)

17 OF THIS SECTION, IF THE DEFENDANT'S THC BLOOD
CONTENT, AS DEFINED

18 IN SECTION 42-1-102 (102.9), C.R.S., WAS FIVE NANOGRAMS OR
MORE AT

19 THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE
OR WITHIN TWO

20 HOURS THEREAFTER, AS SHOWN BY AN ANALYSIS OF THE
DEFENDANT'S

21 BLOOD, SUCH FACT GIVES RISE TO THE PERMISSIBLE
INFERENCE THAT THE

22 DEFENDANT WAS UNDER THE INFLUENCE OF DRUGS.

23

24 SECTION 8. 18-3-205 (1) (b) (II), the introductory portion to 18-
25 3-205 (2), and 18-3-205 (2) (c), Colorado Revised Statutes, are
amended,

26 and the said 18-3-205 is further amended BY THE ADDITION OF A
27 NEW SUBSECTION, to read:

28

29 18-3-205. Vehicular assault. (1) (b) (II) For the purposes of this
30 subsection (1), "one or more drugs" shall mean all substances
defined as

31 a drug in section 12-22-303 (13), C.R.S., and all controlled
substances

32 defined in section 12-22-303 (7), C.R.S. SECTION 18-18-102 (5), and
glue-

33 sniffing, aerosol inhalation, or the inhalation of any other toxic vapor
or

34 vapors as defined in section 18-18-412.

35

36 (2) In any prosecution for a violation of subsection (1) of this
37 section, the amount of alcohol in the defendant's blood or breath at
the
38 time of the commission of the alleged offense, or within a reasonable
time
39 thereafter, as shown by analysis of the defendant's blood or breath,
shall
40 give RISE to the following presumptions OR INFERENCES:
41
42 (c) If there was at such time 0.08 or more grams of alcohol per
43 one hundred milliliters of blood, or if there was at such time 0.08 or
more
44 grams of alcohol per two hundred ten liters of breath, it shall be
presumed
45 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that
the defendant
46 was under the influence of alcohol.
47
48 (2.5) IN ANY PROSECUTION FOR A VIOLATION OF SUBSECTION
(1)
49 OF THIS SECTION, IF THE DEFENDANT'S THC BLOOD
CONTENT, AS DEFINED
50 IN SECTION 42-1-102 (102.9), C.R.S., WAS FIVE NANOGRAMS OR
MORE AT
51 THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE
OR WITHIN TWO
52 HOURS THEREAFTER, AS SHOWN BY AN ANALYSIS OF THE
DEFENDANT'S
53 BLOOD, SUCH FACT GIVES RISE TO THE PERMISSIBLE
INFERENCE THAT THE
54 DEFENDANT WAS UNDER THE INFLUENCE OF DRUGS."
55
56 Renumber succeeding section accordingly.

House Journal, March 18

53 HB11-1261 be amended as follows, and as so amended, be referred
to
54 the Committee of the Whole with favorable
55 recommendation:
56
1 Amend printed bill, page 6, before line 5, insert:
2
3 "SECTION 8. Appropriation. (1) In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 licensing services cash fund created in section 42-2-114.5 (1),
Colorado
6 Revised Statutes, not otherwise appropriated, to the department of
7 revenue, for allocation to the information technology division, for the
8 fiscal year beginning July 1, 2011, the sum of twenty-two thousand two
9 hundred dollars (\$22,200) cash funds, or so much thereof as may be

10 necessary, for the implementation of this act.
11
12 (2) In addition to any other appropriation, there is hereby
13 appropriated to the governor - lieutenant governor - state planning
14 and
15 budgeting, for allocation to the office of information technology, for the
16 fiscal year beginning July 1, 2011, the sum of twenty-two thousand
17 two
18 hundred dollars (\$22,200), or so much thereof as may be necessary,
19 for
20 the programming services to be provided to the department of
21 revenue
22 related to the implementation of this act. Said sum shall be from
23 reappropriated funds received from the department of revenue out of
24 the
25 appropriation made in subsection (1) of this section."
26
27 Renumber succeeding section accordingly.
28
29 Page 1, line 103, strike "SE." and substitute "SE, AND MAKING AN
30 APPROPRIATION IN CONNECTION THEREWITH."
31
32
33
34
35

House Journal, March 22

36 Amendment No. 1, Judiciary Report, dated March 10, 2011, and
37 placed
38 in member's bill file; Report also printed in House Journal, March 11,
39 pages 624-625.
40
41 Amendment No. 2, Appropriations Report, dated March 18, 2011, and
42 placed in member's bill file; Report also printed in House Journal,
43 March 18, pages 687-688.
44
45 Amendment No. 3, by Representative(s) Gardner B.
46 Amend the House Judiciary Committee Report, dated March 10,
2011,
page 3, after line 13, add:
"Page 1, line 102, after "THRESHOLD", insert "OF FIVE
NANOGRAMS PER
MILLILITER OF WHOLE BLOOD".
As amended, ordered engrossed and placed on the Calendar for
Third
Reading and Final Passage.

Fiscal Notes: [Fiscal Note](#)

[HB11-1268](#)

DUI Penalties Revisions

Position:

Calendar Notification: Bill HB11-1268 - LEVY / NICHOLSON DUI Penalties Revisions
Friday, April 1 2011
GENERAL ORDERS - SECOND READING OF BILLS
(12) in senate calendar.

Short Title: DUI Penalties Revisions

Sponsors: LEVY / NICHOLSON

Summary: The bill clarifies that, upon a conviction of a traffic offense involving alcohol or drugs where the offender has one or more prior such convictions, the court may proceed to immediate sentencing without considering the statutorily required alcohol and drug evaluation if the prosecuting attorney and the defendant have stipulated to the convictions. The bill clarifies that when a person is convicted of a first-time DUI, DUI per se, DWAI, or habitual user offense, the court may suspend the mandatory minimum period of the imprisonment portion of the offender's sentence if, as a condition of the suspended sentence, the offender undergoes a presentence or postsentence alcohol and drug evaluation and satisfactorily completes and meets all financial obligations of a level I or level II program as is determined to be appropriate by the statutorily required alcohol and drug evaluation. The bill clarifies the probation portion of the statutorily prescribed sentences for a traffic offense involving alcohol or drugs. The bill makes conforming amendments.

Status: 04/01/2011 Senate Second Reading Laid Over Daily

Amendments:

House Journal, March 18

50 HB11-1268 be amended as follows, and as so amended, be referred to

51 the Committee of the Whole with favorable
52 recommendation:

53

54 Amend printed bill, page 4, strike lines 3 through 6 and substitute:
55

56 "SECTION 2. 42-4-1307 (1) (b), (3) (a) (I), (3) (a) (II), (4) (a) (I),
1 (4) (a) (II), (5) (a) (II), (6) (a) (II), (7) (b) (II), and (11), Colorado Revised
2 Statutes, are amended to read:

3

4 42-4-1307. Penalties for traffic offenses involving alcohol and
5 drugs - repeal. (1) Legislative declaration. The general assembly
6 hereby finds and declares that, for the purposes of sentencing as
described

7 in section 18-1-102.5, C.R.S., each sentence for a conviction of a
8 violation of section 42-4-1301 shall include:

9

10 (b) FOR A SECOND OR SUBSEQUENT OFFENDER, a period of
11 probation. THE IMPOSITION OF A PERIOD OF PROBATION UPON
12 THE

13 CONVICTION OF A FIRST-TIME OFFENDER SHALL BE SUBJECT
14 TO THE

15 COURT'S DISCRETION AS DESCRIBED IN PARAGRAPH (c) OF
16 SUBSECTION (3)

17 AND PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION.

The purpose of

18 probation is to help the offender change his or her behavior to reduce
19 the

20 risk of future violations of section 42-4-1301. If a court imposes
21 imprisonment as a penalty for a violation of a condition of his or her
22 probation, the penalty shall constitute a separate period of
23 imprisonment

24 that the offender shall serve in addition to the imprisonment
25 component

26 of his or her original sentence.

27

28 (3) First offenses - DUI, DUI per se, and habitual".

29

30 Page 4, after line 18 insert:

31

32 "(II) A fine of at least six hundred dollars but no more than one
33 thousand dollars, AND THE COURT SHALL HAVE DISCRETION TO
34 SUSPEND

35 THE FINE; and".

36

37 Page 5, after line 3 insert:

38

39 "(II) A fine of at least two hundred dollars but no more than five
40 hundred dollars, AND THE COURT SHALL HAVE DISCRETION TO
41 SUSPEND

42 THE FINE; and

43

44 (5) Second offenses. (a) Except as otherwise provided in
45 subsection (6) of this section, a person who is convicted of DUI, DUI
46 per

47 se, DWAI, or habitual user who, at the time of sentencing, has a prior
48 conviction of DUI, DUI per se, DWAI, habitual user, vehicular
49 homicide

50 pursuant to section 18-3-106 (1) (b), C.R.S., vehicular assault
51 pursuant to

52 section 18-3-205 (1) (b), C.R.S., aggravated driving with a revoked
53 license pursuant to section 42-2-206 (1) (b) (I) (A) or (1) (b) (I) (B), or
54 driving while the person's driver's license was under restraint
55 pursuant to

44 section 42-2-138 (1) (d), shall be punished by:
 45
 46 (II) A fine of at least six hundred dollars but no more than one
 47 thousand five hundred dollars, AND THE COURT SHALL HAVE
 DISCRETION
 48 TO SUSPEND THE FINE;
 49
 50 (6) Third and subsequent offenses. (a) A person who is
 51 convicted of DUI, DUI per se, DWAI, or habitual user who, at the time
 52 of sentencing, has two or more prior convictions of DUI, DUI per se,
 53 DWAI, habitual user, vehicular homicide pursuant to section 18-3-106
 (1)
 54 (b), C.R.S., vehicular assault pursuant to section 18-3-205 (1) (b),
 C.R.S.,
 20655 aggravated driving with a revoked license pursuant to section 42-
 2-
 56 (1) (b) (I) (A) or (1) (b) (I) (B), or driving while the person's driver's
 1 license was under restraint pursuant to section 42-2-138 (1) (d) shall
 be
 2 punished by:
 3
 4 (II) A fine of at least six hundred dollars but no more than one
 5 thousand five hundred dollars, AND THE COURT SHALL HAVE
 DISCRETION
 6 TO SUSPEND THE FINE;".

Fiscal Notes: [Fiscal Note](#)

HB11-1273	Hlth Care Opportunity Patient Empower
<hr/>	
Position:	
Calendar Notification:	Bill HB11-1273 - NIKKEL / KOPP Hlth Care Opportunity Patient Empower Tuesday, April 19 2011 Health & Environment 1:30 p.m. Room LSB-A (1) in house calendar.
Short Title:	Hlth Care Opportunity Patient Empower
Sponsors:	NIKKEL / KOPP
Summary:	The bill enacts the "Health Care Opportunity and Patient Empowerment Act", which requires the executive directors of the departments of health care policy and financing, public health and environment, and labor and employment and the commissioner of insurance, in consultation with other state agencies and stakeholders they deem appropriate, to develop a health care interstate compact that would allow signatory

states to opt out of federal health care reform legislation as well as any other federal law regulating health care and instead regulate health care in each signatory state in the manner determined appropriate for that state by its legislature. The executive directors and commissioner are to keep the general assembly apprised of its progress through periodic reports to specified committees of reference of the senate and house of representatives.

Status: 03/02/2011 Introduced In House - Assigned to Health and Environment

Amendments:

Fiscal Notes: [Fiscal Note](#)

[SB11-093](#) **Sunset Drunk Driving Task Force**

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Sunset Drunk Driving Task Force

Sponsors: KING S. / VAAD

Summary: Sunset Process - Senate Judiciary Committee. The bill removes the repeal of the interagency task force on drunk driving and adds members to the task force's membership.

Status: 03/21/2011 Governor Action - Signed

Amendments:

Fiscal Notes: [Fiscal Note](#)

[SB11-102](#) **Mental Health Tax Checkoff**

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Mental Health Tax Checkoff

Sponsors: WILLIAMS S. / TODD

Summary: For income tax years commencing on or after January 1, 2011, but before January 1, 2014, the bill requires a voluntary contribution designation line for the Families in Action for Mental Health fund (fund) to appear on state individual income tax return forms. The department of revenue must determine annually the total amount designated to the fund and report that amount to the state treasurer and the general assembly. The state treasurer shall credit that amount to the fund. Finally, the general assembly must appropriate annually from the fund to

the department of revenue its costs of administering contributions to the fund. All moneys remaining in the fund at the end of a fiscal year shall be transferred to Mental Health America of Colorado, the fiscal manager for Families in Action for Mental Health.

Status: 03/10/2011 Introduced In House - Assigned to Finance

Amendments:

Senate Journal, February 25

After consideration on the merits, the Committee recommends that SB11-102 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 1 insert:

"SECTION 1. 39-22-1001, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

39-22-1001. Limitation on the duration of voluntary contribution programs - queue. (7) AS SPECIFIED IN SUBSECTION (6) OF THIS SECTION, NO MORE THAN FIFTEEN VOLUNTARY CONTRIBUTIONS SHALL APPEAR ON COLORADO INCOME TAX RETURN FORMS IN ANY INCOME TAX YEAR. IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR, REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, AN EXISTING VOLUNTARY CONTRIBUTION THAT IS RENEWED OR CONTINUED SHALL TAKE PRECEDENCE AND BE PLACED ON THE FORM OVER A VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR CONTINUED. ANY VOLUNTARY CONTRIBUTION THAT DOES NOT APPEAR ON THE FORM AND IS NOT BEING RENEWED OR CONTINUED BUT DOES NOT TAKE EFFECT PURSUANT TO THIS SUBSECTION (7) SHALL BE PLACED IN THE QUEUE CREATED BY SUBSECTION (8) OF THIS SECTION AND SHALL ONLY BECOME EFFECTIVE IN ANY YEAR IN WHICH THERE IS A LINE AVAILABLE ON THE INCOME TAX RETURN FORM, AS SPECIFIED IN SUBSECTION (8) OF THIS SECTION.

(8) (a) IF THE GENERAL ASSEMBLY, ACTING BY BILL IN ANY YEAR, REQUIRES MORE VOLUNTARY CONTRIBUTIONS TO APPEAR ON THE INCOME TAX RETURN FORM THAN THERE ARE LINES AVAILABLE ON THE FORM, ANY VOLUNTARY CONTRIBUTION THAT IS TO APPEAR ON THE FORM FOR THE FIRST TIME SHALL, NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, BE PLACED IN A QUEUE, WHICH QUEUE IS HEREBY CREATED. THE ORDER OF VOLUNTARY CONTRIBUTIONS THAT ARE PLACED IN THE QUEUE SHALL BE DETERMINED BY THE DATE AND TIME ON WHICH THE GOVERNOR SIGNS THE BILL CREATING THE VOLUNTARY CONTRIBUTION, WITH THE BILL THAT WAS SIGNED FIRST IN TIME BEING FIRST IN THE QUEUE, THE BILL THAT WAS SIGNED NEXT IN TIME BEING SECOND IN THE QUEUE, AND SO ON.

(b) ON NOVEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR SHALL CERTIFY TO THE REVISOR OF STATUTES THE AMOUNT OF LINES AVAILABLE FOR VOLUNTARY CONTRIBUTIONS ON THE INCOME TAX RETURN FORM FOR THE STATE INCOME TAX YEAR COMMENCING ON JANUARY 1 OF THE FOLLOWING YEAR.

(c) IF A LINE BECOMES AVAILABLE ON THE INCOME TAX RETURN FORM, AND NOTWITHSTANDING THE LANGUAGE IN OR THE EFFECTIVE DATE OF THE BILL CREATING THE VOLUNTARY CONTRIBUTION, THE VOLUNTARY CONTRIBUTION FIRST IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE THREE CONSECUTIVE TAX YEARS IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR CERTIFIES THAT THERE IS A LINE AVAILABLE AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8). IF THERE ARE TWO LINES AVAILABLE ON THE FORM, THE VOLUNTARY CONTRIBUTION THAT IS SECOND IN THE QUEUE SHALL APPEAR ON THE FORM FOR THE THREE CONSECUTIVE TAX YEARS IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE

DIRECTOR
CERTIFIES THAT THERE ARE LINES AVAILABLE AS SPECIFIED IN
PARAGRAPH
(b) OF THIS SUBSECTION (8), AND SO ON."

Re-number succeeding sections accordingly.

Page 5, after line 8 insert:

"SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the families in action for mental health fund created in Section 39-22-3903 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six hundred dollars (\$29,600) cash funds, or so much thereof as may be necessary, for the implementation of this act. (2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of twenty-nine thousand six hundred dollars (\$29,600), or so much thereof as may be necessary, for the programming services to be provided to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section."

Re-number succeeding section accordingly.

Page 1, line 104 strike "FORMS." and substitute "FORMS, AND
MAKING
AN APPROPRIATION THEREFOR."

Appro-
priations

Fiscal Notes: [Fiscal Note](#)

[SB11-168](#)

Colorado Health Care Cooperative

Position:

**Calendar
Notification:**

Bill SB11-168 - AGUILAR / KEFALAS Colorado Health Care Cooperative
Friday, April 1 2011
GENERAL ORDERS - SECOND READING OF BILLS
(5) in senate calendar.

Short Title: Colorado Health Care Cooperative

Sponsors: AGUILAR / KEFALAS

Summary: The bill creates the Colorado health care authority (authority). The mission of the authority is to design the Colorado health care cooperative (cooperative) to be the benefits administrator and payer for health care services. The authority shall recommend a cooperative to the general assembly and, if approved, it shall be referred to the voters by referred measure. The president of the senate, the speaker of the house, and the governor shall each appoint members to the board of directors (board) of the authority who shall employ an administrator and other officers to help design and develop the cooperative. The cooperative will be designed in collaboration with parties who may be affected by the cooperative. The bill requires that the board make recommendations concerning specific elements to become part of the cooperative, including:

- * Election of board members to the cooperative;
- * Health care services that will be part of the cooperative;
- * Payment systems for the cooperative;
- * Regulation and evaluation of health care services;
- * Methods for coordinating alternate insurance plans with the cooperative;
- * Benefit design and provider rates and reimbursement;
- * Maintaining a marketplace with health care choices;
- * Cooperative members' participation in their health care;
- * Development of information technology for the cooperative;
- * Data collection to determine best practices;
- * Transparency of the financial operation of the cooperative; and
- * Health and wellness maintenance and education.

The board is required to include a financing recommendation to the general assembly based on projected costs and federal waivers and includes available state and local government revenues. The bill contains other specified options that the board may include in its recommended financing package. The board is required to design a method for refunding savings to members of the cooperative and to employers. The board is required to develop a plan to deal with budget shortfalls. The bill specifies services that must be included in a benefits package designed by the board. The bill specifies that the cooperative shall serve as secondary insurance to any other insurance. The board is authorized to seek gifts, grants, and donations to implement the authority and the board to design the cooperative and is required to seek federal funds and grants available for the cooperative. The board is required to seek input and collaborate with the department of public health and environment, the department of health care policy and financing, and the general assembly to seek waivers, exemptions, and agreements from the federal government for funding for the authority and the cooperative.

Status: 03/25/2011 Senate Second Reading Laid Over Daily

Amendments:

Fiscal Notes: [Fiscal Note](#)

[SB11-187](#)**Sunset Review Mental Hlth Professionals**

Position:**Calendar
Notification:**

NOT ON CALENDAR

Short Title:

Sunset Review Mental Hlth Professionals

Sponsors:

NEWELL / FIELDS

Summary:

Sunset Process - Senate Health and Human Services Committee. The bill implements the recommendations of the sunset review and report on state-regulated mental health professionals as follows: Sections 1, 2, and 3 of the bill continue the boards of psychologist examiners, social work examiners, marriage and family therapist examiners, and licensed professional counselor examiners and the state grievance board, and the regulation of psychologists, social workers, marriage and family therapists, licensed professional counselors, psychotherapists, and addiction counselors (oversight boards) through September 1, 2020. Section 4 defines terms relevant to the practice of addiction counseling. Section 5 creates the state board of addiction counselor examiners to regulate addiction counselors, thereby eliminating the authority of the director of the division of registrations to regulate addiction counselors. Sections 6 and 7 continue indefinitely the ability of the oversight boards to issue a provisional license to a candidate for a mental health professional license or certification if the candidate has satisfied the education requirements for a license or certification but has not yet satisfied the experience requirements. Section 7 also adds the newly created state board of addiction counselor examiners to the definition of "board", changes the name of "unlicensed psychotherapists" to "registered psychotherapists" in recognition of the fact that psychotherapists are required to register with, and are regulated by, the state grievance board, repeals unnecessary definitions, and makes other technical modifications to definitions. Sections 8 and 9 create a registry for marriage and family therapy and licensed professional counselor licensure candidates who are working toward full licensure, consistent with candidate registries currently available for psychologist, social worker, and addiction counselor licensure candidates. The sections also permit the regulatory boards for marriage and family therapists and licensed professional counselors to administer computer-based examinations to determine an applicant's competency in the particular practice area. Section 10 repeals a duplicate definition of "psychotherapy" to avoid confusion with another broader definition of that term in another provision of the article and repeals the definition of "unlicensed psychotherapist" to comport with the change, per section 7 of the bill, to "registered psychotherapists". Section 11 makes further, conforming changes related to the name change for psychotherapists and allows the state grievance board to administer on-line examinations to psychotherapists applying for registration. Sections 12 and 13 permit the oversight boards for psychologists and social workers to establish

computer-based jurisprudence examinations for license, certification, or registration applicants to increase efficiency in the administration of examinations. These sections also contain technical corrections to the statutes as recommended in the sunset report. Section 14 amends the statute outlining activities that are prohibited for persons regulated under the act as follows:

- * Eliminates the requirement that a person who has been convicted of a felony can be disciplined only if the felony relates to the ability to practice the person's mental health profession;
- * Restates the grounds for discipline regarding use or abuse of alcohol or drugs to eliminate the term "intemperate";
- * Eliminates the ability of a board to discipline a licensee, registrant, or certificate holder simply for having a mental or physical illness or condition that impairs the person's ability to practice his or her profession and instead allows the applicable board to discipline the licensee, registrant, or certificate holder for failing to notify the board of the limitation, failing to act within the limitations of the illness or condition, or failing to comply with the conditions in a confidential agreement with the board related to the person's mental or physical illness or condition;
- * For purposes of determining whether a person has acted or failed to act in a manner consistent with generally accepted standards of the professional discipline under which the person practices, adds a reference to the standards of practice generally recognized by state and national associations of practitioners in the field of the person's professional discipline;
- * Narrows the prohibition against dual relationships to prohibit a mental health professional from maintaining relationships with clients in cases where the person's professional judgment was impaired or the person exploited the client;
- * Eliminates the requirement that repeated ordering of unnecessary laboratory tests or studies must be willful in order to be grounds for disciplining the person; and

* Adds as a ground for discipline the failure to respond to a complaint. Section 15 authorizes the oversight boards to impose an administrative fine on a licensee, registrant, or certificate holder who violates an administrative requirement of the statutes or rules. The boards are required to adopt rules setting up a schedule of fines, and the administrative fines cannot exceed \$5,000 per violation. Section 16 authorizes the oversight boards to enter into confidential agreements to restrict the practice of a licensee, registrant, or certificate holder who has a mental or physical illness or condition that affects his or her ability to practice the profession with reasonable skill and safety to clients. Sections 39, 43, 50, 53, and 56 modify the membership on the oversight boards to eliminate one public member on each board and replace that member with a person engaged in or authorized to practice the particular profession. Section 43 also permits the state board of social work examiners, on its own or at the request of a licensee, to appoint advisory committees to assist with the operations of the board. Sections 40, 54, and 59 modify the definitions of "practice of psychology", "practice of licensed professional counseling", and "practice of addiction counseling",

respectively, to conform to model practice act language adopted by the applicable national professional associations. Section 44 adds counseling to the list of permissible practices of a social worker. Sections 60 and 61 recodify laws pertaining to the licensure and certification of addiction counselors to specify qualifications for licensure as an addiction counselor and certification as either a level I, II, or III certified addiction counselor and the particular activities in which addiction counselors are permitted to engage based on whether the addiction counselor is licensed or has a level I, II, or III certification. Sections 17 through 38, 41, 42, 45 through 49, 51, 52, 55, 57, 59, and 62 through 72 make technical and conforming changes to the mental health professional practice act statutes. The bill takes effect July 1, 2011.

Status: 03/23/2011 Senate Committee on Health and Human Services Refer Amended to Finance

Amendments:

Senate Journal, March 24

After consideration on the merits, the Committee recommends that SB11-187 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 12, line 3, after "(6)," insert "(7.5),".

Page 12, after line 18 insert:

"(7.5) "Professional relationship" means an interaction that is deliberately planned or directed, or both, by the psychotherapist LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER toward obtaining specific psychotherapeutic objectives. such as those set forth in subsection (9) of this section."

Page 12, strike lines 23 through 27.

Page 13, strike lines 1 through 9 and substitute:

"(9) "Psychotherapy" means the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors which interfere with effective emotional, social, or intellectual functioning. Psychotherapy follows a planned procedure of intervention which takes place on a regular basis, over a period of time, or in the cases of testing, assessment, and brief psychotherapy, it can be a single intervention. It is the intent of the general assembly that the definition of psychotherapy as used in this part 2 be interpreted in its narrowest sense to regulate only those persons who

clearly fall within the definition set forth in this subsection (9).".

Page 17, line 18, strike "Repeal."

Page 17, line 19, strike "repealed as follows:" and substitute "amended to read:".

Page 17, strike lines 22 through 27.

Page 18, strike lines 1 through 5 and substitute:

"(3) (a) "Psychotherapy" means the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors which THAT interfere with effective emotional, social, or intellectual functioning. Psychotherapy follows a planned procedure of intervention which THAT takes place on a regular basis, over a period of time, OR IN THE CASES OF TESTING, ASSESSMENT, AND BRIEF PSYCHOTHERAPY, IT CAN BE A SINGLE INTERVENTION.

(b) It is the intent of the general assembly that the definition of psychotherapy as used in this part 7 be interpreted in its narrowest sense

to regulate only those persons who clearly fall within the definition set forth in this subsection (3).".

Page 20, after line 11 insert:

"(6) A REGISTERED PSYCHOTHERAPIST SHALL INCLUDE IN ANY ADVERTISING OR WRITTEN MATERIAL GIVEN TO THE PUBLIC AND POTENTIAL CLIENTS, INCLUDING ON THE REGISTERED PSYCHOTHERAPIST'S WEB PAGE, IN A WRITTEN OR ELECTRONIC ADVERTISEMENT CONTAINED IN OR POSTED ON A PHYSICAL OR WEB-BASED DIRECTORY LISTING OF BUSINESSES, ON A BUSINESS CARD, OR ON ANY OTHER ADVERTISEMENT OR WRITTEN MATERIAL THAT LISTS THE REGISTERED PSYCHOTHERAPIST'S NAME AND CONTACT INFORMATION, A STATEMENT THAT THE PERSON IS REGISTERED BY THE STATE TO PRACTICE PSYCHOTHERAPY BUT IS NOT LICENSED BY THE STATE."

Page 28, line 2, strike "A" and substitute "THE FOLLOWING" and strike "SECTION" and substitute "SECTIONS".

Page 29, after line 24 insert:

"12-43-227.5. Mental health professional peer health assistance program - fees - administration - rules. (1) (a) ON AND AFTER JULY 1, 2011, AS A CONDITION OF LICENSURE, REGISTRATION, OR CERTIFICATION AND RENEWAL IN THIS STATE, EVERY PERSON APPLYING FOR A NEW LICENSE, REGISTRATION, OR CERTIFICATION OR TO RENEW HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATION SHALL PAY TO THE APPROPRIATE BOARD, FOR USE BY THE ADMINISTERING ENTITY SELECTED BY THE BOARD PURSUANT TO THIS SUBSECTION (1), AN AMOUNT NOT TO EXCEED TWENTY-FIVE DOLLARS PER APPLICATION FOR A NEW OR TO RENEW A LICENSE, REGISTRATION, OR CERTIFICATION, WHICH MAXIMUM AMOUNT MAY BE ADJUSTED ON JANUARY 1, 2012, AND ANNUALLY THEREAFTER BY THE APPROPRIATE BOARD TO REFLECT CHANGES IN THE UNITED STATES BUREAU OF STATISTICS CONSUMER PRICE INDEX FOR THE DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS OR GOODS, OR ITS SUCCESSOR INDEX. THE APPROPRIATE BOARD SHALL FORWARD THE FEE TO THE CHOSEN ADMINISTERING ENTITY FOR USE IN SUPPORTING DESIGNATED PROVIDERS SELECTED BY THE BOARD TO PROVIDE ASSISTANCE TO LICENSEES, REGISTRANTS, OR CERTIFICATE HOLDERS NEEDING HELP IN DEALING WITH PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS THAT MAY BE DETRIMENTAL TO THEIR ABILITY TO PRACTICE THEIR MENTAL HEALTH PROFESSION.

(b) THE APPLICABLE BOARD SHALL SELECT ONE OR MORE PEER HEALTH ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR DESIGNATION BY THE BOARD, A PEER HEALTH ASSISTANCE PROGRAM MUST:

(I) PROVIDE FOR THE EDUCATION OF MENTAL HEALTH PROFESSIONALS WITH RESPECT TO THE RECOGNITION AND PREVENTION OF PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND PROVIDE FOR INTERVENTION WHEN NECESSARY OR UNDER CIRCUMSTANCES ESTABLISHED BY THE BOARD BY RULE;

(II) OFFER ASSISTANCE TO A MENTAL HEALTH PROFESSIONAL IN IDENTIFYING PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS;

(III) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS AND REFER THE MENTAL HEALTH PROFESSIONAL FOR APPROPRIATE TREATMENT;

(IV) MONITOR THE STATUS OF A MENTAL HEALTH PROFESSIONAL WHO HAS BEEN REFERRED FOR TREATMENT;

(V) PROVIDE COUNSELING AND SUPPORT FOR THE MENTAL HEALTH PROFESSIONAL AND FOR THE FAMILY OF ANY MENTAL HEALTH PROFESSIONAL REFERRED FOR TREATMENT;

(VI) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND

(VII) AGREE TO MAKE ITS SERVICES AVAILABLE TO ALL LICENSED, REGISTERED, OR CERTIFIED MENTAL HEALTH PROFESSIONALS.

(c) THE BOARD MAY SELECT AN ENTITY TO ADMINISTER THE MENTAL HEALTH PROFESSIONAL PEER ASSISTANCE PROGRAM. AN ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE FOUNDATION THAT IS QUALIFIED UNDER SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND THAT IS DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT, EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO MENTAL HEALTH PROFESSIONS, MENTAL HEALTH PROFESSIONAL EDUCATION MENTAL HEALTH RESEARCH AND SCIENCE, AND OTHER MENTAL HEALTH CHARITABLE PURPOSES.

(d) THE ADMINISTERING ENTITY SHALL:

(I) DISTRIBUTE THE MONEYS COLLECTED BY THE APPLICABLE BOARD, LESS EXPENSES, TO THE DESIGNATED PROVIDER, AS DIRECTED BY THE BOARD;

(II) PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED;

AND

(III) POST A SURETY PERFORMANCE BOND IN AN AMOUNT SPECIFIED BY THE BOARD TO SECURE PERFORMANCE UNDER THE REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN PERCENT OF THE TOTAL AMOUNT COLLECTED.

(e) THE APPLICABLE BOARD SHALL COLLECT THE REQUIRED ANNUAL PAYMENTS PAYABLE TO THE ADMINISTERING ENTITY FOR THE BENEFIT OF THE ADMINISTERING ENTITY AND SHALL TRANSFER ALL SUCH PAYMENTS TO THE ADMINISTERING ENTITY. ALL REQUIRED ANNUAL PAYMENTS COLLECTED OR DUE TO THE BOARD FOR EACH FISCAL YEAR ARE CUSTODIAL FUNDS THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, AND THE DISTRIBUTION OF PAYMENTS TO THE ADMINISTERING ENTITY OR EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) (a) ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED BY THE APPLICABLE BOARD TO A PEER HEALTH ASSISTANCE PROGRAM SHALL ENTER INTO A STIPULATION WITH THE BOARD PURSUANT TO SECTION 12-43-223 (6) BEFORE PARTICIPATING IN THE PROGRAM. THE AGREEMENT MUST CONTAIN SPECIFIC REQUIREMENTS AND GOALS TO BE MET BY THE PARTICIPANT, INCLUDING THE CONDITIONS UNDER WHICH THE PROGRAM WILL BE SUCCESSFULLY COMPLETED OR TERMINATED, AND A PROVISION THAT A FAILURE TO COMPLY WITH THE REQUIREMENTS AND GOALS ARE TO BE PROMPTLY REPORTED TO THE BOARD AND THAT SUCH FAILURE WILL RESULT IN DISCIPLINARY ACTION BY THE BOARD.

(b) NOTWITHSTANDING SECTIONS 12-43-223, 12-43-224, AND

24-4-104, C.R.S., THE APPLICABLE BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OF ANY MENTAL HEALTH PROFESSIONAL WHO IS REFERRED TO A PEER HEALTH ASSISTANCE PROGRAM BY THE BOARD AND WHO FAILS TO ATTEND OR TO COMPLETE THE PROGRAM. IF THE MENTAL HEALTH PROFESSIONAL OBJECTS TO THE SUSPENSION, HE OR SHE MAY SUBMIT A WRITTEN REQUEST TO THE BOARD FOR A FORMAL HEARING ON THE SUSPENSION WITHIN TEN DAYS AFTER RECEIVING NOTICE OF THE SUSPENSION, AND THE BOARD SHALL GRANT THE REQUEST. IN THE HEARING, THE MENTAL HEALTH PROFESSIONAL BEARS THE BURDEN OF PROVING THAT HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATION SHOULD NOT BE SUSPENDED.

(c) ANY MENTAL HEALTH PROFESSIONAL WHO SELF-REFERS AND IS ACCEPTED INTO A PEER HEALTH ASSISTANCE PROGRAM SHALL AFFIRM THAT, TO THE BEST OF HIS OR HER KNOWLEDGE, INFORMATION, AND BELIEF, HE OR SHE KNOWS OF NO INSTANCE IN WHICH HE OR SHE HAS VIOLATED THIS ARTICLE OR THE RULES OF THE BOARD, EXCEPT IN THOSE INSTANCES AFFECTED BY THE MENTAL HEALTH PROFESSIONAL'S PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL CONDITIONS.

(3) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE APPLICABLE BOARD OR THE STATE OF COLORADO FOR THE ACTIONS OF THE BOARD IN MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND NO CIVIL ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE BOARD OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER, THE STATE REMAINS LIABLE UNDER THE

"COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., IF AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF AN ACT OR OMISSION OF A MENTAL HEALTH PROFESSIONAL PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER ASSISTANCE PROGRAM OCCURRED WHILE SUCH MENTAL HEALTH PROFESSIONAL WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE STATE.
(4) THE BOARDS MAY PROMULGATE RULES NECESSARY TO IMPLEMENT THIS SECTION
(5) AS USED IN THIS SECTION, "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST, SOCIAL WORKER, CLINICAL SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR OR PSYCHOTHERAPIST REGULATED UNDER THIS ARTICLE."

Page 38, line 1, strike "12-43-201 (9)." and substitute "12-43-201 (9) 12-43-701 (3)."

Page 45, line 7, after "(1) (a)," insert "(1) (b)," and before "and" insert "(4) (d),".

Page 45, line 8, strike "amended" and substitute "amended, and the said 12-43-214 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH,".

Page 45, line 12, after "information" insert "VERBALLY AND".

Page 45, after line 16 insert:

"(b) (I) AN EXPLANATION OF THE LEVELS OF REGULATION APPLICABLE TO MENTAL HEALTH PROFESSIONALS UNDER THIS ARTICLE AND THE DIFFERENCES BETWEEN LICENSURE, REGISTRATION, AND CERTIFICATION, INCLUDING THE EDUCATIONAL, EXPERIENCE, AND TRAINING REQUIREMENTS APPLICABLE TO THE PARTICULAR LEVEL OF REGULATION; AND
(II) A listing of any degrees, credentials, certifications, REGISTRATIONS, and licenses HELD OR OBTAINED BY THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER, INCLUDING THE EDUCATION EXPERIENCE, AND TRAINING THE LICENSEE, REGISTRANT, OR

CERTIFICATE
HOLDER WAS REQUIRED TO SATISFY IN ORDER TO OBTAIN THE
DEGREE,
CREDENTIALS, CERTIFICATIONS, REGISTRATIONS, OR
LICENSES;".

Page 45, line 21, after "board" insert "and".

Page 45, line 22, strike "and".

Page 46, line 9, strike "therapy." and substitute "therapy; AND".

Page 46, after line 9 insert:

"(e) IF THE MENTAL HEALTH PROFESSIONAL IS A REGISTERED
PSYCHOTHERAPIST, A STATEMENT INDICATING THAT A
REGISTERED
PSYCHOTHERAPIST IS A PSYCHOTHERAPIST LISTED IN THE
STATE'S DATA
BASE AND IS AUTHORIZED BY LAW TO PRACTICE
PSYCHOTHERAPY IN
COLORADO BUT IS NOT LICENSED BY THE STATE AND IS NOT
REQUIRED TO
SATISFY ANY FORMAL EDUCATIONAL OR TESTING
REQUIREMENTS TO
OBTAIN A REGISTRATION FROM THE STATE.".

Page 46, after line 12 insert:

"(d) The client is in the physical custody of either the department
of corrections or the department of human services and such department
has developed an alternative program to provide similar information to
such client and such program has been established through rule or
regulation; pursuant to the "State Administrative Procedure Act", article
4 of title 24, C.R.S.;".

Page 46, line 17, strike "(5)," and substitute "(5) and (7)," and strike "is"
and substitute "are".

Page 46, after line 23 insert:

"(7) The provisions of this article shall not apply to mental health
professionals acting within the scope of a court appointment to
undertake
custodial evaluations in domestic relations cases in the courts of this
state
or to mental health professionals acting within the scope of a court
appointment to undertake domestic and child abuse evaluations for
purposes of legal proceedings in the courts of this state.".

Page 46, line 27, strike "amended" and substitute "amended, and the said 12-43-218 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 48, after line 20 insert:

"(6) THIS SECTION DOES NOT APPLY TO COVERED ENTITIES, THEIR BUSINESS ASSOCIATES, OR HEALTH OVERSIGHT AGENCIES, AS EACH IS DEFINED IN THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED BY THE FEDERAL "HEALTH INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT", AND THE RESPECTIVE IMPLEMENTING REGULATIONS.".

Page 64, line 12, strike "OPTIONS, INCLUDING" and substitute "OPTIONS".

Page 64, line 13, strike "MEDICATION,".

Page 86, strike lines 9 through 27.

Page 87, strike lines 1 through 3.

Re-number succeeding sections accordingly.

State,
Veterans, &
Military
Affairs

Fiscal Notes: [Fiscal Note](#)

[SB11-196](#)

Ephedrine Pseudoephedrine Classification

Position:

**Calendar
Notification:**

Bill SB11-196 - BOYD / SUMMERS Ephedrine Pseudoephedrine Classification
Thursday, April 7 2011
SENATE HEALTH & HUMAN SERVICES COMMITTEE
1:30 P.M. SCR 356
(2) in senate calendar.

Short Title: Ephedrine Pseudoephedrine Classification

Sponsors: BOYD / SUMMERS

Summary: The bill removes ephedrine from the statutory list of schedule II controlled substances, repeals certain provisions concerning the unlawful possession and retail sale of methamphetamine precursor drugs, and adds ephedrine, pseudoephedrine, and phenylpropanolamine to the statutory list of schedule III controlled substances.

Status: 03/16/2011 Introduced In Senate - Assigned to Health and Human Services

Amendments:

Fiscal Notes:

[SB11-200](#) **Health Benefit Exchange**

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Health Benefit Exchange

Sponsors: BOYD / STEPHENS

Summary: The bill creates the Colorado health benefit exchange (exchange) as a nonprofit unincorporated public entity. The exchange is governed by a board of directors consisting of 9 members appointed by the governor, the president of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives, and 3 ex officio nonvoting members. The board is responsible for:

- * Appointing an executive director to administer the exchange;
- * Creating operational and financial plans;
- * Applying for planning and establishment grants;
- * Creating technical and advisory groups;
- * Providing a written report to the governor and the general assembly regarding the planning and establishment of the exchange;
- * Reviewing internet portals for use by the exchange;
- * Considering the structure of the exchange;
- * Considering the appropriate size of the small employer market; and
- * Investigating requirements, developing options, and determining waivers to ensure that the best interests of Coloradans are protected.

The board may enter into information-sharing agreements with federal and state agencies and other state exchanges. The bill also establishes the legislative health benefit exchange implementation review committee (committee) to provide oversight of the exchange. The committee may report up to 5 bills or other measures to the legislative council each year. The committee is responsible for reviewing grants applied for by the board and for reviewing the financial and operational plans of the exchange. Five years after the act becomes law, the legislative service

agencies of the general assembly will conduct a post-enactment review of its implementation.

Status: 03/31/2011 Senate Committee on Health and Human Services Refer Amended to Legislative Council

Amendments:

Fiscal Notes: [Fiscal Note](#)

[SJR11-005](#) No Unfunded Mandates

Position:

Calendar Notification: Bill SJR11-005 - ROBERTS / GEROU No Unfunded Mandates
Friday, April 1 2011
CONSIDERATION OF RESOLUTIONS
(1) in senate calendar.

Short Title: No Unfunded Mandates

Sponsors: ROBERTS / GEROU

Summary: *** No bill summary available ***

Status: 02/10/2011 Senate Third Reading Laid Over Daily

Amendments:

Fiscal Notes:

[SJR11-013](#) Community Mental Health Centers

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Community Mental Health Centers

Sponsors: NICHOLSON / DELGROSSO

Summary: *** No bill summary available ***

Status: 02/16/2011 Signed by the Speaker of the House

Amendments:

Fiscal Notes: