

COLORADO STATE BOARD OF PSYCHOLOGIST EXAMINERS

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AUTHORITY

These Rules are promulgated pursuant to C.R.S.§12-43-203(3)(a) and C.R.S.§12-43-221(2).

The licensing and regulation of Mental Health Professionals is found in Title 12 (“Professions and Occupations”), Part 43 (“Mental Health”) of the Colorado Revised Statutes (“Mental Health Practice Act”). Part 43 consists of 8 parts summarized, as applicable, as follows:

| <u>Part</u> | <u>Name of Part</u> | <u>Statutes in Part</u> |
|-------------|-------------------------|-------------------------|
| Part 1 | Legislative Declaration | 12-43-101 |
| Part 2 | General Provisions | 12-43-201 - 12-43-229 |
| Part 3 | Psychologists | 12-43-301 - 12-43-306 |

Part 2 contains general provisions applicable to all Mental Health Professionals. Part 3 applies specifically to Psychologists.

PURPOSE AND SCOPE

These Rules were promulgated in order to carry out the powers and duties of the State Board of Psychologist Examiners pursuant to C.R.S.§§12-43-203 and 12-43-302. These Rules affect every person seeking Colorado licensure as a Psychologist and every person who practices as a licensed Psychologist in the State of Colorado, and who is not statutorily exempted.

RULE 1 - DEFINITIONS

In addition to the definitions set out in C.R.S.§ 12-43-201 and C.R.S.§ 12-43-301 unless the context requires otherwise, as used in these Rules:

- (a) “The Board” means the State Board of Psychologist Examiners established pursuant to and C.R.S. § 12-43-302.
- (b) "Director" means the Board's Program Director and staff.
- (c) "Employment counseling" means professional activities that are provided on a short-term ba-

sis and that are intended to assist individuals with locating, applying for, interviewing, or otherwise successfully securing paid employment.

(d) “License in good standing” means a license that is not restricted in any manner.

(e) "Licensee" as contemplated under C.R.S. § 12-43-223(1)(b) shall include any person who has been licensed as a Psychologist or a Psychologist candidate at any time under the Mental Health Practice Act pursuant to C.R.S. § 12-43-301, et. seq.

(f) "Rehabilitation counseling" means professional activities that are intended to assist a person with a physical handicap, defect, or injury as defined in C.R.S. § 26-8-105(2)(a), (b), or (c) to learn or to relearn to perform routine daily functions including, but not limited to, eating, dressing, transportation, or employment.

RULE 2- PUBLIC PARTICIPATION AT BOARD MEETINGS (C.R.S. §§ 12-43-203, 12-43-221)

(a) The Board may provide a person a reasonable opportunity to address the Board at an open meeting if the request is made prior to the meeting in accordance with this Rule and, in the Board's sole discretion, the granting of the request will not result in delay or disruption of the Board's meeting.

(b) Except in unusual circumstances and in the Board's sole discretion, the Board will rely exclusively on written materials during its initial consideration of inquiries and shall not permit members of the public to address the Board on pending disciplinary proceedings or cases.

(c) The Board Chair may impose reasonable limitations on the time allotted for comments made pursuant to this Rule.

RULE 3- CONFIDENTIALITY OF PROCEEDINGS AND RECORDS OF THE BOARD (C.R.S. §§ 12-43-218, 12-43-221, 12-43-224)

(a) General. Inquiries, complaints, investigations, hearings, meetings, or any other proceedings of the Board relating to disciplinary proceedings shall not be open to public inspection until the Board meets for its initial consideration of the inquiry that gave rise to the proceedings. The initial consideration of the inquiry and all further proceedings shall be open and the records available for inspection unless subsection (b) of this Rule, or an exception to the Public Records Act or the Open Meetings Act applies or C.R.S. § 12-43-224(4) prohibits disclosure.

(b) Subpoenaed Information. Information subpoenaed by the Board shall remain confidential and not be open to public inspection until the Board has reviewed the information and made a determination whether the information should remain confidential. Information which is not determined to be confidential shall be open to public inspection unless an exception to subsection (a) an exception to the Public Records Act or the Open Meetings Act applies. This exception shall not apply to review of information by a respondent in a Board investigation.

RULE 4- DECLARATORY ORDERS (C.R.S. § 24-4-105(11))

(a) Any person may petition the Board for a declaratory order to terminate a controversy or to

remove uncertainty as to the applicability to the petitioner of any statutory provision or of any Board Rule or Order.

(b) A petition filed pursuant to this Rule shall set forth the following:

(1) The name and address of the petitioner and whether the petitioner is a Licensee.

(2) The statute, rule, or order to which the petition relates.

(3) A concise statement of all facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.

(c) The Board will determine, in its discretion and without notice to petitioner, whether to rule on a petition. In determining whether to rule on a petition, the Board will consider the following matters, among others:

(1) Whether a ruling on the petition will terminate a controversy or remove uncertainty as to the applicability to petitioner of any statutory provision or Board Rule or Order.

(2) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter, proceeding, or investigation involving the petitioner and currently pending before the Board, any other agency, or a court.

(3) Whether the petition involves any subject, question, or issue that is the subject of a formal or informal matter, proceeding, or investigation currently pending before the Board, any other agency, or a court, but not involving the petitioner.

(4) Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.

(5) Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colorado Rules of Civil Procedure, that will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.

(d) If the Board determines, in its discretion, that it will not rule on the petition pursuant to this Rule, the Board shall promptly notify the petitioner of its action and state the reasons for such action.

(e) If the Board determines, in its discretion, that it will rule on the petition, any ruling of the Board will apply only to the facts presented in the petition and any amendment to the petition. If the Board rules on the petition without a hearing, it shall notify the petitioner of its decision within 120 days.

In ruling on the petition, the Board may take one or more of the following actions, in its discretion:

(1) The Board may dispose of the petition on the basis of the matters set out in the petition.

(2) The Board may request the petitioner to submit additional facts, in writing. In this event, the additional facts amend the petition.

(3) The Board may order the petitioner to file a written brief, memorandum, or statement of position.

(4) The Board may set the petition for hearing, upon due notice to petitioner, to obtain additional facts or information; to determine the truth of any facts set forth in the petition; or to hear oral argument on the petition. The notice to the petitioner setting the hearing shall state, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of the hearing, to the extent necessary, the petitioner shall have the burden of proving all facts stated in the petition; all facts necessary to show the nature of the controversy or uncertainty; the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner; and any other facts the petitioner desires the Board to consider.

(f) If the Board determines that the petition addresses a matter within the purview of any other agency, the Board shall refer the petition to the other agency for consideration. If the Board refers a petition to another agency, the Board shall promptly inform the petitioner of the referral. The referral ends the matter before the Board.

(g) The parties to any proceeding pursuant to this Rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding. A petition to intervene shall set forth the matters required by subsection (c) of this Rule. Based on the information presented and in its discretion, the Board may grant leave to intervene. Any reference to "petitioner" in this Rule includes any person who has been granted leave to intervene by the Board.

(h) Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute final agency action subject to judicial review pursuant to C.R.S. § 24-4-106.

RULE 5- MANDATORY DISCLOSURE STATEMENT (C.R.S. §§ 12-43-214, 12-43-222(1)(p))

(a) As used in C.R.S. § 12-43-214 and this Rule,

(1) If the recipient of psychotherapy or mental health services is an adult for whom a guardian or legal representative has been appointed by a court of competent jurisdiction (irrespective of an appeal of the order) because the adult is an "incapacitated person" within the meaning of C.R.S. § 15-14-101(1), the mandatory disclosure is made to the guardian or legal representative.

(2) "Emergency" means those situations in which, on presentation, the client's condition requires immediate intervention and/or stabilization.

RULE 6- INFORMATION REQUIRED TO BE REPORTED TO THE BOARD (C.R.S.§ 12-43-224(9))

(a) General. Psychologists are required to report violations of C.R.S.§ 12-43-222 and/or C.R.S.§ 12-43-226 to the appropriate Board once they have direct knowledge that a Licensee as defined by C.R.S.§ 12-43-201(6), certified addiction counselor, or registered psychotherapist has violated a provision of C.R.S.§ 12-43-222 or C.R.S.§ 12-43-226. Psychologists are not required to report when reporting would violate client/therapist confidentiality (refer to C.R.S.§ 12-43-218).

(b) Terms.

(1) "Direct knowledge" includes, but is not limited to the following::

(A) Having seen, heard, or participated in the alleged violation;

(B) Having been informed by the client/victim and obtained informed consent to release information as to the event or the client's name;

(C) Having been informed of a violation by the violator;

(D) Having been informed by a guardian of a minor or adult and obtained informed consent from the guardian to release information;or

(E) Having been informed by a professional organization, agency, or any other entity, that an alleged violation occurred.

(2) "Has violated" means a reasonable belief that a Licensee, certified addiction counselor, or registered psychotherapist has engaged in a prohibited activity under section C.R.S.§ 12-43-222or the unauthorized practice as prohibited under C.R.S.§ 12-43-226.

(c) Procedures.

(1) Once direct knowledge is established, the Psychologist must report the alleged violation as soon as possible or, absent unusual circumstances, no later than sixty (60) days.

(2) When direct knowledge of a violation of C.R.S.§ 12-43-222 or C.R.S.§ 12-43-226 is obtained from her/his client, the Psychologist shall:

(A) Inform the client a violation may have occurred;

(B) Encourage the client to report the violation; and

(C) Obtain the client's informed consent before reporting the alleged violation.

(3) The report shall be in writing and shall include the specifics of the violation, to the degree known, and any and all relevant information and supporting documentation.

(d) Nothing in this Rule relieves any mental health professional from adhering to any other mandatory reporting requirements mandated by statute.

RULE 7- SUPERVISION OF MENTAL HEALTH PRACTITIONERS AND SUPERVISORY RELATIONSHIPS (C.R.S.§§ 12-43-221(2), 12-43-222(1)(n))

(a) General. Supervision provides a source of knowledge, expertise, and more advanced skills to the person being supervised. The nature of this relationship depends on the respective skills of the two professionals involved, the client population and/or the specific client being served. It is usually ongoing, required, and hierarchical in nature. This Rule does not apply to the supervision required prior to licensure as a Psychologist.

(b) Terms.

(1) Clinical supervision occurs when there is close, ongoing review and direction of a supervisee's clinical practice.

(2) Consultation describes a voluntary relationship between professionals of relative equal expertise or status wherein the consultant offers her/his best advice or information on an individual case or problem for use by the consultee as s/he deems appropriate in her/his professional judgment.

(3) Administrative supervisor is the person who bears responsibility for the non-clinical functioning of an employee, such as performance appraisals, personnel decisions, etc. The administrative supervisor may be held accountable for not reporting misconduct by a Psychologist when s/he knew or should have known of a violation of generally accepted standards of practice or any prohibited activity.

(4) Modes of Supervision include but are not be limited to individual, group, telephone, electronic mail, audio-visual, process recording, direct observation, telecommunication (teleconferencing, fax, videotapes), and hospital rounds. The appropriate modality of supervision shall be determined by the training, education, and experience of the supervisee, and the treatment setting (i.e. urban/rural, or the availability of resources, etc.); and at all times based on community standards and client needs. The level of supervision provided, including whether every case is directly supervised and whether the supervisor meets with the client, is determined by the education, training, and experience of the supervisee, the specific needs of the clients being served, and the professional judgment of the supervisor. Nothing in this Rule should be assumed to abridge the rights of the client to a reasonable standard of care.

(c) Supervision Shall Include But is Not Limited To The Following:

- (1) Monitoring the supervisee's activities to verify s/he is providing services that meet generally accepted standards of practice.
- (2) Verifying that it is the practice of any supervisee to provide the mandatory disclosure form as required pursuant to C.R.S.§ 12-43-214.
- (3) If appropriate, verifying that clients are informed as to any changes in the supervisory relationship.
- (4) Giving an adequate termination of supervision notice to the supervisee.
- (5) Keeping records that document supervision that meet the generally accepted standards of practice.
- (6) Assisting the supervisee in becoming aware of and adhering to all legal, ethical, and professional responsibilities.
- (7) Assuring that no inappropriate relationships exist between the supervisor and supervisee, and supervisor and client.
- (8) Assuring the supervisee meets any licensing, certification or registration requirements prior to engaging in any psychotherapy.
- (9) Assisting to assure that the supervisee is in compliance with the Mental Health Practice Act.
- (10) Verifying and assuring the supervisee is in compliance with any existing restricted licensure, certification or registration status or probation.

(d) Supervisor Qualifications.

- (1) The supervisor shall have sufficient knowledge of legal, ethical, and professional standards relevant to the clients being served.
- (2) The supervisor shall have clinical experience and competence adequate to perform and direct the services provided by the supervisee.

**RULE 8- REPORTING CHANGE OF ADDRESS, TELEPHONE NUMBER, OR NAME
(C.R.S. §§ 12-43-203, 12-43-205)**

Change of address, telephone number, or name.

- (a) Licensees shall inform the Division of any name, telephone number or address change within

thirty (30) days of such change. Staff shall not change Licensees' information without written notification from the Licensee. Notification via mail, fax, email and the online system is acceptable. Verbal notification is not acceptable.

(b) Any of the following documentation is required to change a Licensee's name: marriage license, divorce decree, or court order. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director of Support Services.

RULE 9- DUPLICATE OR REPLACEMENT LICENSE (C.R.S. § 12-43-205, 12-43-207)

(a) Upon licensure and at renewal, the Division will issue only one license to a Licensee. The Division may issue a duplicate license if the Licensee submits a written request along with the required fee.

(b) Justification for issuance of a duplicate license may include if the original was lost, stolen, damaged, never received, or printed with the incorrect information, or if the address or name has changed.

A duplicate license may also be issued for those licensees who require multiple licenses.

RULE 10- RENEWAL OF LICENSE (C.R.S. § 12-43-204(3))

(a) Failure to Receive Renewal Notice. Failure to receive notice for renewal of license from the Board does not excuse a Licensee from the requirement for renewal under the Act and this Rule.

(b) Grace period. Licensees shall have a sixty-day (60) grace period after the expiration of his or her license to renew such license without the imposition of a disciplinary sanction for practicing on an expired license. During this grace period a delinquency fee will be charged for late renewals. A Licensee who does not renew his or her license within the sixty-day (60) grace period shall be treated as having an expired license and shall be ineligible to practice until such license is reinstated.

(c) Military Active Duty. Licensees may be exempt from licensing requirements as provided in C.R.S. § 12-70-102, including but not limited to, military personnel who have been called to federally funded active duty for more than 120 days for the purpose of serving in a war, emergency, or contingency from the payment of any professional or occupational license, certification or registration fees, including renewal fees, and from continuing education for a renewal cycle that falls within the period of service within the six (6) months following the completion of service in the war, emergency or contingency.

RULE 11- AUTHORITY TO INVESTIGATE (C.R.S. § 12-43-203)

An application for initial license, for renewal of a license, or for reinstatement of a license is an express grant to the Board of full authority to make any investigation or personal contact necessary to verify the authenticity of the matters and information stated in the application. If the

Board so requests, the applicant must supply verification, documentation and/or complete information on any disciplinary action taken against the applicant in any jurisdiction.

RULE 12- LICENSURE BY ENDORSEMENT (C.R.S.§ 12-43-206)

(a) General. To be considered for licensure by endorsement under C.R.S. § 12-43-206, an applicant must submit a completed application form, all supporting documentation, and the appropriate fee.

(b) Complaints/inquiries, investigations, disciplinary actions. The Board may decline to issue a license to an applicant for licensure by endorsement against whom disciplinary action has been taken or is pending, against whom an investigation is being conducted in connection with her/his practice, or who is the subject of an unresolved complaint.

(c) Criteria. The Board has established the following criteria for determining whether an applicant possesses credentials and qualifications that are substantially equivalent to C.R.S.§ 12-43-304. An applicant who possesses a current and unrestricted license, in good standing, to practice psychology under the laws of another state, territory or foreign country may apply for licensure by endorsement.

All of the following factors must be attested to at the time of application for Colorado licensure by endorsement in order for the applicant to establish that her/his credentials and qualifications are substantially equivalent to the requirements of C.R.S.§ 12-43-304:

(1) Applicant is at least 21 years of age;

(2) Applicant must attest that they:

(A) Have reported to the Board any injunction entered against her/him and any injunctive action pending against her/him on any license.

(B) Have reported any malpractice judgment, settlement, or claim, and any pending action or claim.

(C) Have reported any pending complaint, investigation, or disciplinary proceeding before the licensing, grievance, or disciplinary Board of any jurisdiction in which a license, registration or certification to practice psychology is held and where the complaint, investigation, or proceeding concerns the practice of psychology.

(D) Have reported any applicable misdemeanor or felony conviction(s).

(E) Have reported to the Board any prior disciplinary action by another jurisdiction.

(3) Applicant submits verification of licensure from each jurisdiction(s) in which applicant has ever been licensed, registered, listed or certified. The verification can be retrieved by

the applicant from the jurisdiction's website as long as the following information is included and can be verified if necessary:

- (A) Date license was originally issued.
- (B) Date of license expiration.
- (C) Disciplinary history, if applicable.

If the complete information is not available then the Verification of License Form must be completed by each state

(4) Applicant holds a doctoral degree in psychology or a doctoral degree with a major that was determined by the licensing, certifying, listing or registering jurisdiction to be equivalent to a major in psychology.

(5) Applicant attests that one (or more) of the jurisdictions by which s/he has been licensed, registered, listed, or certified:

(A) Required a written examination, the content of which tested competence to practice psychology (including the three areas outlined in C.R.S. § 12-43-304(1.5)(b)). The applicant may rely on an examination given and passed in a jurisdiction other than the jurisdiction from which s/he seeks licensure by endorsement; OR

(B) If a written examination was not required by the jurisdiction at the time the applicant was originally licensed, the Board will accept as substantially equivalent to this qualification attestation that the applicant has a record of practicing psychology at the independent level for at least twenty (20) years, in any Association of State and Provincial Psychology Boards (ASPPB) jurisdiction under the authority of a license which is based on a receipt of a doctoral degree in psychology.

(6) Except as provided below, applicant attests that s/he had one year of post-doctoral experience practicing psychology under supervision prior to licensure, certification, listing or registration in the jurisdiction through which the applicant seeks licensure in Colorado; or the applicant attests to the Board his/her active practice of psychology for two (2) years, as defined below:

(A) "Active practice of psychology" means the applicant has engaged in the practice of psychology for at least twenty (20) hours per week averaged over the entire time s/he has been engaged in practice.

(7) Applicant attests that post-degree experience hours obtained for licensure in another jurisdiction has substantially similar requirements to what is outlined in Board Rule 14 Licensure by Examination. The Board may consider a combination of post-degree hours and practice experience on a case-by-case basis.

(8) Exemptions

(A) An applicant who is currently credentialed as a health service provider in psychology in good standing by the National Register of Health Service Providers in Psychology, or is currently a Diplomate (Board Certified) in good standing of the American Board of Professional Psychology (ABPP), and has a record of practicing psychology at the independent level for at least five (5) years in any Association of State and Provincial Psychology Boards (ASPPB) jurisdiction under the authority of a license which is based on receipt of a doctoral degree in psychology shall be deemed to meet the criteria set forth in the foregoing paragraphs (4) and (5) of this subsection (c).

(B) An applicant who has a current Certificate of Professional Qualifications (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB) in good standing, shall be deemed to meet the criteria set forth in the foregoing paragraphs (1) through (6) of this subsection (c).

(d) Licenses, certifications, or registrations from outside the United States. Applicants who are licensed, certified, listed or registered Psychologists in a jurisdiction outside the United States must submit their educational credentials for evaluation and satisfy the requirements of this Rule.

(e) Jurisprudence Examination. Each applicant shall pass a Board developed jurisprudence examination.

RULE 13- REINSTATEMENT OF LICENSE (C.R.S.§ 12-43-204)

(a) General. A license that has expired is subject to the following reinstatement provisions.

(b) Application Requirements. To be considered for licensure reinstatement, an applicant must submit a completed reinstatement application form, and the reinstatement fee.

(c) Required statements. Each applicant for reinstatement shall certify the following:

(1) Every license, certificate, listing or registration to practice psychology held by applicant is in good standing;

(2) Applicant has reported to the Board any injunction or disciplinary action completed or pending against her/his license, certificate, registration, or listing to practice psychology or psychotherapy;

(3) Applicant has reported to the Board any malpractice judgment against her/him, any settlement of a malpractice action or claim against her/him, and any malpractice action or claim pending against her/him in which the malpractice alleged relates to her/his practice of psychology or psychotherapy;

(4) Applicant has reported to the Board any inquiry/complaint pending, investigation being conducted by, or disciplinary proceeding pending before the licensing, grievance, or disciplinary board of any jurisdiction in which s/he is licensed, certified, registered, or listed to practice psychology or psychotherapy in which the complaint, investigation, or proceeding concerns her/his practice of psychology or psychotherapy.

(d) Pending discipline or complaints. The Board may decline to issue a license to an applicant for reinstatement if disciplinary action is pending or if there is an unresolved complaint.

(e) Criteria. The Board has established the following criteria for determining whether an applicant for reinstatement has demonstrated her/his continued professional competence as required by C.R.S. § 12-43-204(3). An applicant must meet all applicable criteria to establish her/his continued professional competence.

(1) License expired more than two years. An applicant whose license has been expired more than two years shall pass a Board developed jurisprudence examination and demonstrate her/his continued professional competence by either:

(A) A written statement detailing work experience related to the practice of psychology during the time the license has been expired. If work experience was in other jurisdiction(s), verification of licensure from each jurisdiction(s) is required; or

(B) Documenting that the applicant has ten (10) hours of continuing education acceptable to the Board for each year or portion thereof the license has been expired; or

(C) Retaking and passing the Examination for Professional Practice in Psychology (EPPP) national examination.

RULE 14- LICENSURE BY EXAMINATION (C.R.S. § 12-43-304)

(a) Criteria for application.

(1) The applicant must submit to the Board a completed application for licensure, all fees, official transcript(s), and all supporting documentation required by the Board in order for the Board to review the application for licensure.

(2) An applicant for licensure must pass the required examination, meet the experience requirements, and become licensed within five (5) years of the date of initial application for li-

censure. If the applicant fails to become licensed within this time period, s/he must submit a new application and fee and must meet the educational, experience and examination requirements in effect at the time of the new application. Licensure applicants have a continuing obligation to update their application with the information of changes from the original application at any time prior to licensure. However, this may not apply in those exceptions allowable under statute concerning Psychologist candidate status.

(b) Education and Training Requirements. Many graduate programs in psychology go under other names. Some programs labeled as psychology are not primarily focused on psychology. The Board has therefore established the following factors to determine whether a particular program from which an applicant for licensure received the doctoral degree qualifies as a doctoral program with a major in psychology or its equivalent in compliance with C.R.S. § 12-43-304(1)(c) and C.R.S. § 12-43-301(1) and (8). To meet the statutory requirements, the doctoral program must meet either (1) or (2), below:

(1) Accredited program. The applicant obtained a doctoral degree from a program that was accredited by the American Psychological Association (APA); or

(2) Equivalent program. The applicant received a doctoral degree from a graduate training program that, at the time s/he was enrolled and received her/his degree, fulfilled the equivalency degree requirements used to define a psychology graduate training program. An applicant asserting a program equivalent to an APA-accredited program in psychology must furnish to the Board evidence in support of the equivalency. Evidence may include narrative descriptions of course-work, institutional documents published contemporaneously with the applicant's enrollment, appropriate certifications or affidavits from university officials, dissertation abstracts, and any other evidence the applicant deems useful. The Board may request additional information from the applicant.

All of the following requirements shall be considered in order to establish equivalency:

(A) The required doctoral level study and doctoral degree were obtained from a regionally accredited institution of higher learning;

(B) The program in psychology stood as a coherent and recognizable entity within the institution, offering an integrated and organized sequence of study planned to provide appropriate training for the practice of psychology;

(C) There was an identifiable full-time faculty, with an individual responsible for the program who was a full-time faculty member and who met the requirements for approval as a supervisor or a person who presents proof satisfactory to the Board, that at the time of serving as the faculty member, s/he possessed essentially the same education, experience, and training as that necessary to qualify for licensure under the Act.

(D) The program had an identifiable body of students who were matriculated in that pro-

gram for a degree;

(E) The doctoral program included examination and grading procedures designed to evaluate the degree of mastery of the subject matter by the students;

(F) The curriculum encompassed a minimum of three (3) academic years of full-time graduate study including the following substantive content areas:

- (1) Professional ethics and standards;
- (2) Research design and methodology: techniques of data analysis, inferential statistics, descriptive statistics, research implementation, program evaluation and assessment;
- (3) Theories and methods of effective intervention: consultation, supervision, evaluation of treatment efficacy;
- (4) Theories and methods of assessment and diagnosis;
- (5) Biological bases of behavior: physiological psychology, neuropsychology, sensation and perception, comparative psychology, psychopharmacology;
- (6) Cognitive-affective bases of behavior: learning, thinking, motivation, and emotion;
- (7) Social bases of behavior: social psychology, group processes, organizational and systems theory;
- (8) Individual differences: personality theory, human development, abnormal psychology;
- (9) Issues of cultural and individual diversity.
- (10) If the course titles as stated on the transcript do not clearly reflect the subject matters listed above, the applicant must document the course or combination of courses in which the material was covered.

(G) The program included supervised practicum and internship appropriate to the practice of psychology.

- (1) Practicum. The minimum practicum experience is 400 hours, of which at least 150 hours must have been in direct service experience and at least seventy-five (75) hours in formally scheduled supervision.

(2) Internship. To be acceptable, internships in clinical psychology must include at least a full-time experience, either for one (1) full-time calendar year or for two (2) half-time calendar years and must encompass at least 1,500 experience hours. To be acceptable, school and counseling psychology internships must include at least a full-time experience, for either an academic or calendar year or for two (2) half-time academic or calendar years and must encompass at least 1,500 experience hours. To be acceptable, internships must be accredited by the American Psychological Association (APA) or be substantially equivalent when compared with the guidelines and principles for accreditation of internships published by the APA.

(H) Only graduate level courses are acceptable as establishing equivalency. The Board will not accept coursework counted or credited toward an undergraduate degree.

(3) Foreign-Trained Applicants. Foreign-trained applicants must submit educational credentials to a credentialing agency utilized by the Board for evaluation of equivalency. After course equivalency is established, the Board will evaluate the educational credentials to determine whether or not the program is equivalent to an APA-approved program.

(c) Post-Graduate Experience Requirements. The Board will approve a post-doctoral supervised practice as meeting the requirements for licensure set out in C.R.S. § 12-43-304(1)(d) when that practice satisfies the requirements of this subsection.

(1) Definitions. As used in C.R.S. § 12-43-304(1)(d) and in this Rule, unless the context indicates otherwise:

(A) "Individual supervision" means supervision rendered to one individual at a time.

(B) "Group supervision" means supervision rendered to not more than ten (10) individuals at one time.

(C) "Post-doctoral experience" means experience under approved supervision acquired subsequent to the date certified by the degree-granting institution as that on which all requirements for the doctoral degree have been completed.

(D) "Practice in "psychology" means all services included within the definition of psychotherapy in C.R.S. § 12-43-201(9) and particularly those services and practices included within the definition of psychological services C.R.S. § 12-43-303.

(E) "Supervision" means personal direction and responsible direction provided by a supervisor approved by the Board.

(1) "Personal direction" means direction actually rendered by the approved supervisor.

(2) “Responsible direction” or “direction” means the approved supervisor has sufficient knowledge of all clients for whom supervision is provided, including face-to-face contact with the client when necessary, to develop and to monitor effective service delivery procedures and the supervisee’s treatment plan. Further, all decision requiring the special skill, knowledge, and/or training of a Psychologist are made in collaboration with, and with the approval of, the approved supervisor. Such decisions include, but are not limited to: type, duration, effectiveness, and method of psychotherapy services provided; fees and billing procedures; approval of cases; and personal observation, evaluation, oversight, review, and correction of services provided by the supervisee.

(F) “Consultation” describes a voluntary relationship between professionals of relative equal expertise or status wherein the consultant offers her/his best advice or information on an individual case or problem for use by the consultee as s/he deems appropriate in her/his professional judgment. Consultation is not supervision. Experience under contract for consultation will not be credited toward fulfillment of supervision requirements.

(2) Certification of Completion. Each applicant shall file with the Board, upon forms supplied by the Board, a verified statement signed under penalty of law by their approved supervisor(s) attesting to the applicant’s satisfactory completion of the required post-doctoral practice of psychotherapy under supervision and attesting to the applicant’s having met the generally accepted standards of practice during the supervised practice.

(3) Supervision.

(A) The Board will accept any of the following as a supervisor:

(1) A licensed Psychologist who, at the time of supervision, was licensed by the Board in the jurisdiction in which the applicant’s services were performed.

(2) A psychiatrist certified by the American Board of Psychiatry and Neurology and who was licensed as a physician who, at the time of supervision, was licensed by the Board in the jurisdiction in which the applicant’s services were performed, who had completed a psychiatric residency at the time of the supervision, and who certified to the Board her/his competence in the same area as that in which the applicant received post-doctoral experience practicing psychology under supervision. For such supervision to count towards licensure, it must have been conducted in accordance with these Rules and the Act as determined by the Board. A Psychologist must supervise the psychological testing.

(3) A Psychologist may be approved as a supervisor, who, at the time of the supervision, was licensed at the highest possible level in another jurisdiction in which the applicant's services were performed. The Board will consider post-degree supervised experience obtained in another jurisdiction by an individual who is not certified or licensed as a Psychologist in the other jurisdiction, if the jurisdiction in which such person was practicing did not provide for such certification, licensure, listing or registration. The applicant’s su-

supervisor shall document to the satisfaction of the Board her/his competence in the same field of psychology as that in which the applicant is seeking licensure.

(B) The approved supervisor shall keep records that will enable her/him effectively to train, evaluate, and credit the applicant for licensure with the exact number of hours of acceptable post-doctoral practice of psychotherapy and the exact number of hours of supervision completed in compliance with this Rule.

(4) Number of hours of post-doctoral experience practicing psychology under supervision.

(A) The post-doctoral experience practicing psychology under supervision cannot be completed in fewer than twelve (12) months and may involve supervision by more than one (1) approved supervisor as defined in these Rules.

(B) The one (1) year of post-doctoral experience practicing psychology under supervision required by C.R.S. § 12-43-304(1)(d) must have at least 1,500 clock hours obtained in such a manner that they are reasonably uniformly distributed over a minimum of twelve (12) months.

(C) The teaching of psychology may count for up to 500 hours of post-doctoral experience practicing psychology under supervision and up to twenty-five (25) hours of supervision provided such teaching was in courses in the same or similar field of psychology as the competence area claimed by the applicant and that this experience was supervised by a supervisor defined in these Rules.

(D) The post-doctoral experience obtained under the supervision of a board-certified psychiatrist may count for up to 375 hours of experience and up to 17.75 hours of supervision.

(E) Research experience hours may count for up to 500 hours of post-doctoral experience practicing psychology under supervision and up to twenty-five (25) hours of supervision provided such research experience was performed in the same or similar field of psychology as the competence area claimed by the applicant and provided that this experience was supervised by an approved supervisor.

(F) Training in the subject area of racial/ethnic bases of behavior must count at least fifty (50) hours of the post-doctoral experience practicing psychology under supervision and three (3) hours of supervision must be focused in this area. Coursework may be substituted, as long as the course(s) submitted, is clearly documented and is equivalent to three (3) semester or five (5) quarter hours of graduate level credit.

(5) Number of hours of post-doctoral supervision.

(A) Applicants must receive a minimum of seventy-five (75) clock hours of supervision, at least fifty (50) of which must be face-to-face individual supervision. The remaining hours up to the seventy-five (75) hours may only be by group supervision. No other modes of supervi-

sion will be accepted.

(B) The post-doctoral supervision hours must be reasonably distributed over a minimum of twelve (12) months in a manner consistent with the accrual of supervised post-doctoral experience.

(d) Examination. In accordance with C.R.S. § 12-43-203(3)(b) and C.R.S. § 12-43-304, et seq., the Board establishes these requirements for the licensing examination to demonstrate professional competence in psychology.

(1) Jurisprudence Examination. Applicants shall be required to pass a Board-developed jurisprudence examination.

(2) National Examination. The examination covering the general areas of knowledge in psychology shall be administered under contract with the Examination for Professional Practice in Psychology (EPPP).

(3) Application. An applicant for licensure shall apply directly to the Association of State and Provincial Psychology Boards (ASPPB), or any other testing service the Board may contract with at the time, to sit for the appropriate examination.

(4) ExamResults. Examination results will be valid for up to five (5) years after the date of the examination.

RULE 15 – MILITARY EDUCATION, TRAINING AND EXPERIENCE (C.R.S. § 24-34-102(8.5))

Education, training, or service gained in military services outlined in C.R.S. § 24-34-102(8.5), to be accepted and applied towards receiving a license, must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis.

RULE 16- RECORDS REQUIRED TO BE KEPT AND RECORD RETENTION (C.R.S. §§ 12-43-203(3), 12-43-222(1)(u))

(a) General. Every Psychologist engaged in the practice of psychology as defined in C.R.S. § 12-43-303 shall create and maintain records on each of his/her psychology clients. The Psychologist shall retain a record on each psychology client for a period of seven (7) years commencing on the date of termination of psychology services or on the date of last contact with the client, whichever is later.

(b) Record. A record shall contain, as applicable to the mental health services rendered, at least the following information:

- (1) Name of the treating therapist;
 - (2) Client's identifying data to include name, address, telephone number, gender, date of birth, and if applicable the name of the parent or guardian. If the client is an organization, the name of the organization, telephone number and name of the principal authorizing the mental health provider's services or treatment;
 - (3) Reason for the psychology/psychotherapy services;
 - (4) Mandatory disclosure statement(s);
 - (5) Dates of service including, but not limited to the date of each contact with client, the date on which services began, and the date of last contact with client;
 - (6) Types of service;
 - (7) Fees;
 - (8) Any release of information;
 - (9) If any of the following have been written: assessment, plan for intervention, consultation, summary reports, and/or testing reports and supporting data. The records must be prepared in a manner that allows any subsequent provider to yield a comprehensive conclusion as to what occurred;
 - (10) Name of any test administered, each date on which the test was administered, and the name(s) of the person(s) administering the test;
 - (11) Information on each referral made to and each consultation with another therapist or other health care provider. This information shall include the date of referral or consultation, the name of the person to whom the client was referred, the name of the person with whom consultation was sought; the outcome (if known) of the referral, and the outcome (if known) of the consultation;
 - (12) Records of counseling, interview notes, correspondence, audio or visual recordings, electronic data storage, and other documents considered professional information for use in counseling; and
 - (13) A final closing statement (if services are over).
- (c) Record Storage. Every Psychologist shall keep and store client records in a secure place and in a manner that both assures that only authorized persons have access to the records and protects the confidentiality of the records.

(d) Transfer of Records. Whenever a Psychologist deems it necessary to transfer her/his records to another Psychologist or other health care provider, the Psychologist making the transfer shall obtain the client's consent to transfer (when possible).

(e) Disposition of records. If the Psychologist is not available to handle her/his own records, the Psychologist and/or his estate shall designate an appropriate person to handle the disposition of records. A plan for the disposition of records shall be in place for all Psychologists for the following conditions:

- (1) Disability, illness or death of the Psychologist;
- (2) Termination of the Psychologist's practice.

(f) Record Destruction. Every Psychologist shall dispose of client records in a manner or by a process that destroys or obliterates all client identifying data. However, records cannot be destroyed until after seven (7) years or as otherwise provided in these Rules or all other applicable statutes.

(g) Record keeping in agency/institutional settings. A Psychologist need not create and maintain separate client records if the Psychologist practices in an agency or institutional setting and the Psychologist:

- (1) Sees the client in the usual course of that practice;
- (2) Keeps client records as required by the agency or institution; and
- (3) The agency or institution maintains client records.

RULE 17—RELIGIOUS MINISTRY EXEMPTIONS(C.R.S.§ 12-43-215(1))

(a) Whenever an exemption from the Board's jurisdiction is claimed based on an assertion of the practice of religious ministry as stated in C.R.S.§ 12-43-215(1), the Board shall consider factors, including but not limited to those listed below, which, taken together and placed within the context of the incident in question, would tend to reasonably indicate that the person seeking the exemption was engaged in the practice of religious ministry. Before taking action on a complaint, the Board shall consider the following factors and other information that indicates the person claiming exemption was not engaged in the practice of religious ministry at the time of the alleged violation of the statute. If the Board determines that this exemption applies, and the Licensee *was* practicing religious ministry, the Board will have no jurisdiction to take any further action on the complaint.

(b) In determining whether the practice of psychotherapy has occurred, the Board analyzes activities and the basic nature of the interaction among the persons involved. The analysis focuses on what occurred, on how it occurred, and on why it occurred.

(c) Factors.

- (1) Whether the client or guardian had received notice or reasonably understood that the therapy in question was a part of religious practice/ministry.
- (2) Whether the client or guardian was seeking therapy from a religious organization to which the complainant belonged at any time.
- (3) Whether a written agreement or disclosure existed that stated that the therapy in question was part of religious practice/belief.
- (4) Whether the therapy services were conducted in a house of worship or on property belonging to a religious organization.
- (5) Whether the provider of the therapy services normally represents him or herself as a religious official who is counseling as part of a religious ministry.
- (6) Whether the therapy services were part of an on-going relationship, formed because the provider is spiritual counselor to the client.
- (7) Whether the provider of therapy services holds a position of trust within a religious organization.
- (8) Whether the provider of the therapy services advertise psychotherapy services to the general public for a fee.
- (9) Whether the provider of the therapy services collects fees or expects/requires donations, offerings, tithes, etc.
- (10) Whether the therapy services provided are based on any religious orientation or viewpoint.
- (11) Whether the provider engaged in the practice of therapy services is accountable or subject to any religious organization or person for misdeeds or acts of misconduct.
- (12) Whether the provider of therapy services is a member of a religious organization recognized by the Internal Revenue Service. Whether the organization holds 501(C)(3) tax exempt status.
- (13) Whether the provider of therapy services is trained in theology or any other field, area, or specialty related to the study of a religious or spiritual orientation.
- (14) Whether the service provided within a private practice setting.

(15) Whether the provider of the therapy services has a declaration of religious mission or a statement identifying the religious views or beliefs of the organization or person.

RULE 18 - IMPOSITION OF ADMINISTRATIVE FINES (C.R.S. § 12-43-223(1)(b))

(a) Fines; Non-Exclusive Sanction. The Board, in its discretion, may impose a fine or fines in lieu of, or in addition to, any other disciplinary sanction. The term Psychologist as contemplated under C.R.S. § 12-43-223(1)(b) and this Rule shall include any person who has been licensed at any time under the Mental Health Practice Act to practice Psychology.

(b) Fine for Each Violation. C.R.S. § 12-43-223(1)(b) provides authority for the Board to impose an administrative fine against a Psychologist for a violation of an administrative requirement. The Board, in its discretion, may impose a separate fine for each violation and shall consider the nature and seriousness of the violation prior to imposing any fine.

(c) Fines; Schedule of Fines. The Board may so impose a fine or fines consistent with the following schedule:

(1) For a Psychologist's first violation, a fine of no more than one thousand dollars (\$1,000.00).

(2) For a Psychologist's second violation, a fine of no more than two thousand five hundred dollars (\$2,500.00).

(3) For a Psychologist's third and any additional violations, a fine of no more than five thousand dollars (\$5,000.00).

In determining the number of violations for purposes of application of the above schedule, the Board may count as a violation, each prior violation adjudicated against the Psychologist.

(d) Payment of Fines.

(1) Fine Amount; When Due. A total fine amount of five hundred dollars (\$500.00) or less imposed by the Board must be paid in full, including the applicable surcharge, at the time the Final Agency Order is entered or a Stipulation is reached between the parties. A total fine amount greater than five hundred dollars (\$500.00) imposed by the Board must be paid in full, including the applicable surcharge, in accordance with the time frame set forth in the Final Agency Order or Stipulation.

(2) Delinquent Payment Consequences. A Psychologist who fails to pay a fine imposed under this Rule as defined above pursuant to a Final Agency Order or Stipulation may be subject to

further discipline, including suspension or revocation of his or her license to practice. C.R.S. §12-43-222(1)(b) provides that violation of an Order of the Board is a Prohibited Activity.

(e)Compliance With Law. Payment of a fine does not exempt the Psychologist from continuing compliance with the Mental Health Practice Act or any orders of the Board.

RULE 19 - CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE FOR PHYSICAL OR MENTAL ILLNESS (C.R.S. § 12-43-221.5)

(a)Notice to Board. No later than thirty (30) days from the date a physical or mental illness or condition impacts a Psychologist's ability to perform professional services with reasonable skill and safety, the Psychologist shall provide the Board, in writing, the following information:

- (1) the diagnosis and a description of the illness or condition;
- (2) the date that the illness or condition was first diagnosed;
- (3) the name of the current treatment provider and documentation from the current treatment provider confirming the diagnosis, date of onset, and treatment plan;
- (4) a description of the Psychologist's practice and any modifications, limitations or restrictions to that practice that have been made as a result of the illness or condition;
- (5) whether the Psychologist has been evaluated by, or is currently receiving services from the Board's authorized Peer Health Assistance Program related to the illness or condition and, if so, the date of initial contact and whether services are ongoing.

(b)Change of Circumstances; Further Notice. The Psychologist shall further notify the Board of any significant change in the illness or condition ("change of condition") that impacts the Psychologist's ability to perform a professional service with reasonable skill and safety. The Psychologist must notify the Board of a positive or negative change of condition. Such notification shall occur within thirty (30) days of the change of condition. The Psychologist shall provide the Board, in writing, the following information:

- (1) the date of the change of condition;
- (2) the name of the current treatment provider and documentation from the current treatment provider confirming the change of condition, the date that the condition changed, the nature of the change of condition, and the current treatment plan;
- (3) a description of the Psychologist's practice and any modifications, limitations or restrictions to that practice that have been made as a result of the change of condition;

(4) whether the Psychologist has been evaluated by, or is currently receiving services from, the peer health assistance program related to the change of condition and, if so, the date of initial contact and whether services are ongoing.

(c) Confidential Agreement; Board Discretion. Compliance with this Rule is a prerequisite for eligibility to enter into a Confidential Agreement with the Board pursuant to C.R.S. § 12-43-221.5. However, mere compliance with this Rule does not require the Board to negotiate regarding, or enter into, a Confidential Agreement. Rather, the Board will evaluate all facts and circumstances to determine if a Confidential Agreement is appropriate.

(d) Failure to Notify. If the Board discovers that a Psychologist has a mental or physical illness or condition that impacts the Psychologist's ability to perform a Psychological Service with reasonable skill and safety and the Psychologist has not notified the Board as required under these Rules of such illness or condition, the Psychologist shall not be eligible for a Confidential Agreement and may be subject to disciplinary action for failure to notify under C.R.S. § 12-43-221.5(1), and other related violations contemplated under C.R.S. § 12-43-222(f).