

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 7, 2013  
Date

Committee on Health, Insurance & Environment.

After consideration on the merits, the Committee recommends the following:

HB13-1104 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 5, after line 11 insert:

2 "SECTION 3. In Colorado Revised Statutes, **repeal** 12-43-411  
3 (4), 12-43-506 (4), 12-43-605 (4), and 12-43-805 (4).

4 SECTION 4. In Colorado Revised Statutes, 13-90-107, **amend**  
5 (1) (g) as follows:

6 13-90-107. **Who may not testify without consent.** (1) (g) A  
7 licensed psychologist, professional counselor, marriage and family  
8 therapist, social worker, or addiction counselor, a registered  
9 psychotherapist, ~~or~~ a certified addiction counselor, A PSYCHOLOGIST  
10 CANDIDATE REGISTERED PURSUANT TO SECTION 12-43-304 (7), C.R.S., A  
11 MARRIAGE AND FAMILY THERAPIST CANDIDATE REGISTERED PURSUANT TO  
12 SECTION 12-43-504 (5), C.R.S., A LICENSED PROFESSIONAL COUNSELOR  
13 CANDIDATE REGISTERED PURSUANT TO SECTION 12-43-603 (5), C.R.S., OR  
14 A PERSON DESCRIBED IN SECTION 12-43-215, C.R.S., shall not be  
15 examined without the consent of the licensee's, certificate holder's, ~~or~~  
16 registrant's, CANDIDATE'S, OR PERSON'S client as to any communication  
17 made by the client to the licensee, certificate holder, ~~or~~ registrant,  
18 CANDIDATE, OR PERSON or the licensee's, certificate holder's, ~~or~~  
19 registrant's, CANDIDATE'S, OR PERSON'S advice given in the course of  
20 professional employment; nor shall any secretary, stenographer, or clerk  
21 employed by a licensed psychologist, professional counselor, marriage  
22 and family therapist, social worker, or addiction counselor, a registered  
23 psychotherapist, ~~or~~ a certified addiction counselor, A PSYCHOLOGIST

1 CANDIDATE REGISTERED PURSUANT TO SECTION 12-43-304 (7), C.R.S., A  
2 MARRIAGE AND FAMILY THERAPIST CANDIDATE REGISTERED PURSUANT TO  
3 SECTION 12-43-504 (5), C.R.S., A LICENSED PROFESSIONAL COUNSELOR  
4 CANDIDATE REGISTERED PURSUANT TO SECTION 12-43-603 (5), C.R.S., OR  
5 A PERSON DESCRIBED IN SECTION 12-43-215, C.R.S., be examined without  
6 the consent of the employer of the secretary, stenographer, or clerk  
7 concerning any fact, the knowledge of which the employee has acquired  
8 in such capacity; nor shall any person who has participated in any  
9 psychotherapy, conducted under the supervision of a person authorized  
10 by law to conduct such therapy, including group therapy sessions, be  
11 examined concerning any knowledge gained during the course of such  
12 therapy without the consent of the person to whom the testimony sought  
13 relates.

14 **SECTION 5.** In Colorado Revised Statutes, 19-1-307, **amend** (2)  
15 (e.5) (I) (M) and (2) (e.5) (I) (N); and **add** (2) (e.5) (I) (O) as follows:

16 **19-1-307. Dependency and neglect records and information -**  
17 **access - fee - rules - records and reports fund - misuse of information**  
18 **- penalty. (2) Records and reports - access to certain persons -**  
19 **agencies.** Except as otherwise provided in section 19-1-303, only the  
20 following persons or agencies shall be given access to child abuse or  
21 neglect records and reports:

22 (e.5) (I) A mandatory reporter specified in this subparagraph (I)  
23 who is and continues to be officially and professionally involved in the  
24 ongoing care of the child who was the subject of the report, but only with  
25 regard to information that the mandatory reporter has a need to know in  
26 order to fulfill his or her professional and official role in maintaining the  
27 child's safety. A county department shall request written affirmation from  
28 a mandatory reporter stating that the reporter continues to be officially  
29 and professionally involved in the ongoing care of the child who was the  
30 subject of the report and describing the nature of the involvement, unless  
31 the county department has actual knowledge that the mandatory reporter  
32 continues to be officially and professionally involved in the ongoing care  
33 of the child who was the subject of the report. This subparagraph (I)  
34 applies to:

35 (M) Clergy members, as defined in section 19-3-304 (2) (aa) (III);  
36 **and**

37 (N) Educators providing services through a federal special  
38 supplemental nutrition program for women, infants, and children, as  
39 provided for in 42 U.S.C. sec. 1786; AND

40 (O) A PERSON WHO IS REGISTERED AS A PSYCHOLOGIST CANDIDATE  
41 PURSUANT TO SECTION 12-43-304 (7), C.R.S., MARRIAGE AND FAMILY

1 THERAPIST CANDIDATE PURSUANT TO SECTION 12-43-504 (5), C.R.S., OR  
2 LICENSED PROFESSIONAL COUNSELOR CANDIDATE PURSUANT TO SECTION  
3 12-43-603 (5), C.R.S., OR WHO IS DESCRIBED IN SECTION 12-43-215,  
4 C.R.S.

5 **SECTION 6.** In Colorado Revised Statutes, 19-3-304, **add** (2) (ii)  
6 as follows:

7 **19-3-304. Persons required to report child abuse or neglect.**

8 (2) Persons required to report such abuse or neglect or circumstances or  
9 conditions include any:

10 (ii) PERSON WHO IS REGISTERED AS A PSYCHOLOGIST CANDIDATE  
11 PURSUANT TO SECTION 12-43-304 (7), C.R.S., MARRIAGE AND FAMILY  
12 THERAPIST CANDIDATE PURSUANT TO SECTION 12-43-504 (5), C.R.S., OR  
13 LICENSED PROFESSIONAL COUNSELOR CANDIDATE PURSUANT TO SECTION  
14 12-43-603 (5), C.R.S., OR WHO IS DESCRIBED IN SECTION 12-43-215,  
15 C.R.S.

16 **SECTION 7.** In Colorado Revised Statutes, 30-10-606, **amend**  
17 (6) (a) (II) as follows:

18 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**  
19 **certificate of death.** (6) (a) Notwithstanding sections 12-43-218 and  
20 13-90-107 (1) (d) or (1) (g), C.R.S., the coroner holding an inquest or  
21 investigation pursuant to this section has the authority to request and  
22 receive a copy of:

23 (II) Any information, record, or report related to treatment,  
24 consultation, counseling, or therapy services from any licensed  
25 psychologist, professional counselor, marriage and family therapist, social  
26 worker, or addiction counselor, certified addiction counselor, ~~or~~  
27 registered psychotherapist, PSYCHOLOGIST CANDIDATE REGISTERED  
28 PURSUANT TO SECTION 12-43-304 (7), C.R.S., MARRIAGE AND FAMILY  
29 THERAPIST CANDIDATE REGISTERED PURSUANT TO SECTION 12-43-504 (5),  
30 C.R.S., LICENSED PROFESSIONAL COUNSELOR CANDIDATE REGISTERED  
31 PURSUANT TO SECTION 12-43-603 (5), C.R.S., OR PERSON DESCRIBED IN  
32 SECTION 12-43-215, C.R.S., if the report, record, or information is  
33 relevant to the inquest or investigation."

34 Renumber succeeding section accordingly.

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