



**Colorado
Legislative
Council
Staff**

HB17-1011

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0574
Prime Sponsor(s): Rep. Melton

Date: January 23, 2017
Bill Status: House Health, Insurance, and Environment
Fiscal Analyst: Clare Pramuk (303-866-2677)

BILL TOPIC: STATUTE OF LIMITATIONS DISCIPLINE MENTAL HEALTH PROFESSIONALS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Minimal workload increase. See State Expenditures section.	
Appropriation Required: None.		
Future Year Impacts: None.		

Summary of Legislation

Mental health professionals are required to maintain client records for a period of seven years from the date of termination of services. This bill requires mental health professionals to notify former clients that records may not be maintained after seven years. This notice is to be sent to the last known address of the client between six years and six years and six months after termination of services. Any complaint filed with the Division of Professions and Occupations in the Department of Regulatory Agencies (DORA) against a mental health professional alleging a maintenance of records violation must be made within seven years after the former client discovered or reasonably should have discovered the violation. The applicable board in the Division of Professions and Occupations must either take disciplinary action on the complaint or dismiss the complaint within two years.

Background

Mental health professionals are licensed, registered, and certified by the Division of Professions and Occupations based on the type of profession. These include the following professions:

- psychologists;
- social workers;
- marriage and family therapists;
- licensed professional counselors;
- registered psychotherapists; and
- addiction counselors.

Disciplinary actions may consist of the following:

- revocation or suspension of a license, registration, or certification;
- probationary status;
- issuance of letters of admonition;
- issues of confidential letters of concern; and
- deferred settlement or judgment.

State Expenditures

This bill will increase the workload of the Division of Professions and Occupations in DORA by a minimal amount in FY 2017-18. The regulatory boards for mental health professionals within the division are expected to update their rules to include reference to the bill requirements and to include the information in their outreach efforts. The bill is not expected to have a significant effect on enforcement actions. This workload can be accomplished within existing appropriations.

Effective Date

The bill takes effect July 1, 2018.

State and Local Government Contacts

Information Technology

Law

Regulatory Agencies