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SENATE BILL 17-108

BY SENATOR(S) Crowder, Aguilar, Kefalas, Fields, Jones, Martinez Humenik, Merrifield, Priola, Tate, Todd, Williams A.;
also REPRESENTATIVE(S) Buckner, Becker K., Bridges, Ginal, Gray, Herod, Kennedy, Melton, Rosenthal, Valdez, Young, Duran.

CONCERNING CONTINUATION OF THE REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2016 SUNSET REPORT OF THE DEPARTMENT OF REGULATORY AGENCIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-34-104, **amend** (23)(a) introductory portion; **repeal** (13)(a)(II); and **add** (23)(a)(VIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (13) (a) The following agencies, functions, or both, will repeal on September 1, 2017:

(II) ~~The regulation of speech-language pathologists by the director~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~of the division of professions and occupations in accordance with article 43.7 of title 12, C.R.S.;~~

(23) (a) The following agencies, functions, or both, ~~will~~ ARE SCHEDULED FOR repeal on September 1, 2022:

(VIII) THE REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH ARTICLE 43.7 OF TITLE 12.

SECTION 2. In Colorado Revised Statutes, **amend** 12-43.7-118 as follows:

12-43.7-118. Repeal of article - review of functions. This ~~article~~ ARTICLE 43.7 is repealed, effective ~~September 1, 2017.~~ Prior to the SEPTEMBER 1, 2022. BEFORE ITS repeal, the director's powers, duties, and functions under this article ~~shall be reviewed as provided in 43.7~~ ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 12-43.7-105, **amend** (1) as follows:

12-43.7-105. Certification required - exception. (1) Except as otherwise provided in this ~~article~~ ARTICLE 43.7, on and after July 1, 2013, a person shall not practice speech-language pathology or represent or hold himself or herself out as being able to practice speech-language pathology in this state without possessing a valid certification issued by the director in accordance with this ~~article~~ ARTICLE 43.7 and any rules adopted under this ~~article~~ ARTICLE 43.7 OR A SPECIAL SERVICES LICENSE ISSUED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-60.5-210.

SECTION 4. In Colorado Revised Statutes, 12-43.7-106, **amend** (1)(c) as follows:

12-43.7-106. Certification - application - qualifications - provisional certification - renewal - fees - rules. (1) **Educational and experiential requirements.** Every applicant for a certification as a speech-language pathologist must have:

(c) Passed the ~~national examination adopted by the American~~

~~Speech-Language-Hearing Association or its successor association or any other examination approved~~ APPROPRIATE EXAMINATION AND CLINICAL FELLOWSHIPS ADOPTED by the director.

SECTION 5. In Colorado Revised Statutes, 12-43.7-106.5, **amend** (1)(b) and (5) as follows:

12-43.7-106.5. Provisional certification - qualifications - application - expiration - practice. (1) **Educational and experiential requirements.** An applicant for a provisional certification as a speech-language pathologist must:

(b) Pass ~~either:~~ THE APPROPRIATE EXAMINATION AND CLINICAL FELLOWSHIPS ADOPTED BY THE DIRECTOR.

~~(f) The national examination adopted by the American Speech-Language-Hearing Association or its successor association; or~~

~~(H) Any other examination approved by the director.~~

(5) **Practice.** A provisional certificate holder may practice speech-language pathology only under the general supervision of a speech-language pathologist who holds a certificate of clinical competence awarded by the American Speech-Language-Hearing Association in accordance with the clinical fellowship requirements of the American Speech-Language-Hearing Association AND HAS PASSED THE APPROPRIATE EXAMINATION AND CLINICAL FELLOWSHIPS ADOPTED BY THE DIRECTOR.

SECTION 6. In Colorado Revised Statutes, 12-43.7-108, **amend** (1) introductory portion, (1)(d), and (1)(e); and **add** (1)(f) as follows:

12-43.7-108. Scope of article - exclusions. (1) This ~~article~~ ARTICLE 43.7 does not prevent or restrict the practice, services, or activities of:

(d) A person participating in good faith in a clinical fellowship if the experience constitutes a part of the experience necessary to meet the requirement of section 12-43.7-106 (1) and the person acts under appropriate supervision; ~~or~~

(e) Any legally qualified speech-language pathologist from another

state or country when providing services on behalf of a temporarily absent speech-language pathologist certified in this state, so long as the uncertified speech-language pathologist is acting in accordance with rules adopted by the director. The uncertified practice must not occur more than once in any twelve-month period; OR

(f) A SPEECH-LANGUAGE PATHOLOGIST WHO POSSESSES A SPECIAL SERVICES LICENSE ISSUED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-60.5-210.

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO