



STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for EMERGENCY RULES

Colorado House Bill 20-1206 is the Sunset review that extends the regulation of Mental Health Professionals, and makes revisions throughout the Mental Health Practice Act.

Basis

The basis for these emergency rules are pursuant to the safety clause in House Bill 20-1206, that states this legislation is necessary for the immediate preservation of the public peace, health, or safety. The Board has rulemaking authority pursuant to sections 12-20-204, 12-245-204(4), 12-245-222(2), and 24-4-103(6)(a), C.R.S.

Purpose and Justification

The purpose of this emergency rulemaking is to implement House Bill 20-1206, as this legislation makes changes to the Mental Health Practice Act, and directly affects the State Board of Unlicensed Psychotherapist's rules. In compliance with this House Bill 20-1206, the Board must immediately adopt and revise the existing rules affected by this Bill.

Pursuant to section 24-4-103(6)(a), C.R.S., a temporary or emergency rule may be adopted without compliance with section 24-4-103(4), C.R.S., which requires the agency to hold a public hearing "at which it shall afford interested persons an opportunity to submit written a data, views, or arguments and to present the same orally"; and with less than the twenty days' notice as set forth in section 24-4-103(3), C.R.S., or without notice where circumstances imperatively require, only if the agency finds that "[i]mmediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for preservation of the public health, safety or welfare and compliance with the requirements of this section would be contrary to the public interest."

These emergency rules take effect October 16, 2020, and remain effective for a maximum of 120 days after adoption, which is February 13, 2021.