



**COLORADO**

Department of  
Regulatory Agencies

Division of Professions and Occupations

## **STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for EMERGENCY RULES**

On July 6, 2022, Colorado Governor Jared Polis (“Governor”) signed Executive Order D 2022 032, “Directing State Agencies to Protecting Access to Reproductive Health Care in Colorado.” On July 14, 2022, the Governor signed Executive Order D 2022 034, “Protecting Colorado’s Workforce and Expanding Licensing Opportunities.”

### Basis

The basis for promulgation of these emergency rules are to comply with state law, and carry out the provisions of the Mental Health Practice Act at section 12-245-101, *et seq.*, C.R.S.

### Purpose

The purpose of the Board adopting these rules on an emergency basis was to implement the directives of Executive Orders D 2022-032 and 2022-034 and comply with the Governor’s 90-day reporting requirements.

### Justification

The State Board of Licensed Professional Counselor Examiners hereby finds the immediate adoption of these emergency rules is imperatively necessary to comply with Executive Order D 2022-032, to protect access to reproductive health care in Colorado; and D 2022-034, to protect and expand the workforce in Colorado.

The adoption of emergency rules is imperatively necessary for the preservation of the public health, safety, and welfare, and cannot wait the several months required for permanent rulemaking, and therefore emergency rules are appropriate pursuant to the Administrative Procedure Act. 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 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.” Such findings must be made on the record.

These emergency rules take effect on September 2, 2022, and will remain effective for a maximum of 120 days after adoption, which is December 31, 2022.