



STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for an EMERGENCY RULE

State Board of Addiction Counselor Examiners

On June 30, 2021, Governor Jared Polis signed Colorado House Bill 21-1305 (*Concerning the practice of mental health professionals, and clarifying education and hours of practice required for licensure or certification as an addiction counselor; and establishing supervision privileges for certified and licensed addiction counselors*). This bill takes effect on March 1, 2022.

BASIS

The basis for these rules are to carry out the provisions of Colorado House Bill 21-1305, and the Mental Health Practice Act at section 12-245-101, *et seq.*, C.R.S.

PURPOSE

The attached rules are promulgated on an emergency basis to implement Colorado House Bill 21-1305, and comply with the bill's March 1, 2022, effective date.

JUSTIFICATION

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 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.

The specific statutory authorities that authorize this emergency rulemaking is pursuant to sections 12-20-204(1), 12-245-222(2), 12-245-806(1)(b), and 24-4-103(6)(a), C.R.S. The adoption of these rules on an emergency basis is imperatively necessary to comply with the requirements and effective date of state law. These temporary/emergency rules take effect on March 1, 2022, and will remain in effect for no more than 120 days after the date of adoption of these temporary/emergency rules.

Adopted by the Board on this 8th day of February 2022.