

Frequently asked questions of the Colorado Department of Regulatory Agencies:

**Q. Are licensed or unlicensed psychotherapists required to have malpractice insurance?**

**A.** There is no requirement for malpractice insurance as a provider of psychotherapy services under the Colorado Mental Health Statute. However, as a practical matter, malpractice insurance is strongly advised for any psychotherapist engaged in private practice.

**Q. Do volunteers for a teen crisis line need to be listed in the Grievance Board Database?**

**A.** If the volunteers are providing referral and/or informational services to callers, they are not required to be listed in the Grievance Board Database. A person whose primary practice is psychotherapy or who holds him or herself out to the public as being able to practice psychotherapy for compensation is required to be listed in the Grievance Board Database.

**Q. Is clinical supervision of licensed clinical social workers, marriage and family therapists, professional counselors, or unlicensed psychotherapists required under the Colorado Mental Health Statute?**

**A.** Supervision is not required for unlicensed or licensed psychotherapists in Colorado.

**Q. Can a third party, someone other than a client, file a grievance against a mental health professional?**

**A.** Yes, anyone can file a grievance against any mental health professional regulated by the Colorado Mental Health Statute provided that it is filed in good faith.

**Q. How can I file a complaint against a mental health facility?**

**A.** Contact the Colorado Department of Human Services, Division of Mental Health.

**Q. Is the mandatory disclosure statement required for clients who are court ordered for therapy?**

**A.** No. Mandatory disclosure is not required for a person seeking therapy pursuant to a court order.

**Q. If a client refuses to sign the disclosure statement, is the therapist required to discontinue or terminate therapy until the statement is signed?**

**A.** No. The therapist should note on the disclosure statement where the signature appears that the client refused to sign and indicate the date the disclosure statement was provided to the client.

**Q. A 15-year-old client living with her boyfriend seeks the services of a psychotherapist because she is alleging that her boyfriend raped her. She does not want her parents to know. Is the therapist required to obtain parental permission prior to treating the client?**

**A.** No. The client is considered emancipated because she does not reside with her parents or guardian, and may consent to mental health care (C.R.S. 19-1-103(45)).

**Q. If parents have joint/shared custody of their child who is a minor, is a licensed or unlicensed psychotherapist required to have both parents give consent to treat?**

**A.** No. Legally, only one parent is required to give consent for treatment, although in many cases it is considered best practice to involve both parents.

**Q. A therapist providing couples therapy is asked by one spouse to testify in a contested divorce dispute. Is the therapist required to obtain permission from the other spouse prior to releasing any information or agreeing to testify?**

**A.** Yes. Permission to disclose confidential information about the other spouse is required.

**Q. An attorney, by court order, serves a psychotherapist with a subpoena duces tecum to appear at a deposition and bring the records of a client suing a manufacturing firm she is representing. Is the therapist required to release such records to the attorney?**

**A.** No. The therapist cannot release records to the attorney without a release from the client. A subpoena duces tecum is an order to appear in court or at a deposition and bring documents or records to that proceeding. It does not constitute permission to release confidential information. You may need to get a protective order from the court.

**Q. What constitutes mandatory reporting?**

**A.** If you have reasonable belief that a prohibited activity occurred and reporting would not violate client confidentiality, you are required to report to the appropriate licensing Board.

**Q. Are licensed professional counselors, licensed marriage and family therapists or unlicensed psychotherapists required to report child abuse?**

**A.** Yes, mental health professionals are specifically cited under the Colorado Children's Code (please refer to Title 19 of the Colorado Revised Statutes) to report child abuse; they are also required to report child abuse under the Colorado Mental Health Statute as it is considered a generally accepted standard of these professions to report child abuse.

**Q. Is it permissible to accept gifts from clients?**

**A.** This depends on the type of gift, its monetary value, and any expectations by the client associated with the gift. If there is any perceived adverse risk to the client-therapist relationship, it is advisable not to accept the gift.

**Q. Do licensees or unlicensed psychotherapists have a duty to report unprofessional conduct by another licensed or unlicensed psychotherapist?**

**A.** Yes, unless making such a report would violate a client's confidentiality (i.e. disclosing information about the client of the reporting therapist without consent of the client is prohibited).

**Q. What are the generally accepted ethical standards of practice? Where can I find them documented for my profession?**

**A.** Contact your local professional association found on our Related Links page for ethical standards.

**Q. Can certified domestic violence counselors or certified addiction counselors, or unlicensed psychotherapists invoke a 72-hour hold and treat order?**

**A.** No. However, Licensed Addiction Counselors can place a person under a 72-hour mental health hold provided they meet certain additional qualifications in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental disorders.

**Q. Are licensed or unlicensed psychotherapists required to treat clients regardless of their ability to pay?**

**A.** No.