

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0552.01 Christy Chase x2008

HOUSE BILL 13-1111

HOUSE SPONSORSHIP

Ginal, Hamner, Hullinghorst

SENATE SPONSORSHIP

Newell, Hill

House Committees

Health, Insurance & Environment
Finance
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF NATUROPATHIC DOCTORS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Currently, naturopathic doctors are not regulated by the state and are not required to obtain a license to practice naturopathic medicine in Colorado. The bill requires naturopathic doctors to obtain a license to practice in Colorado on or after January 1, 2014. The newly created board of naturopathic medicine in the department of regulatory agencies

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
May 7, 2013

SENATE
Amended 2nd Reading
May 6, 2013

HOUSE
3rd Reading Unamended
March 25, 2013

HOUSE
Amended 2nd Reading
March 22, 2013

(department) is tasked with all functions necessary to regulate naturopathic doctors, including adopting rules, establishing application procedures, approving education and training, and disciplining naturopathic doctors.

To be licensed by the state, a naturopathic doctor must:

- ! Be at least 21 years of age;
- ! Have a bachelor's degree and a doctor of naturopathy degree from an approved naturopathic medical college;
- ! Pass a competency-based naturopathic licensing examination; and
- ! Not have had a license to practice as a naturopathic doctor or other health care license, registration, or certification refused, revoked, or suspended by another jurisdiction.

The bill prohibits a licensed naturopathic doctor from engaging in certain acts such as:

- ! Prescribing, dispensing, administering, or injecting a controlled substance or device;
- ! Performing surgical procedures;
- ! Practicing the profession of, holding oneself out as, or claiming to be another licensed health care professional;
- ! Using general or spinal anesthetics; or
- ! Administering ionizing radioactive substances for therapeutic purposes.

Naturopathic doctors are required to make certain written disclosures to their patients, obtain a written acknowledgment from the patient that he or she has received the disclosures, and maintain the patient's acknowledgment for 7 years after services are rendered to the patient. Additionally, naturopathic doctors are to recommend that patients seeking treatment for cancer consult with an oncologist.

The bill grants title protection to licensed naturopathic doctors and creates penalties for unauthorized practice as a naturopathic doctor. The bill also establishes grounds for disciplining a licensed naturopathic doctor and sets forth the methods of and procedures for disciplining a licensee.

Naturopathic doctors are required to obtain professional liability insurance and are responsible for their acts and omissions in the practice of naturopathic medicine. Certain health care providers are shielded from liability resulting from a naturopathic doctor's practice of naturopathic medicine but are liable for grossly negligent, willful, or wanton acts or omissions of a naturopathic doctor with whom they have a business or supervisory relationship.

The licensing of naturopathic doctors is subject to sunset review by the department and is set to repeal on September 1, 2019.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 37.3 to
3 title 12 as follows:

4 **ARTICLE 37.3**

5 **Naturopathic Doctors**

6 **12-37.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
7 MAY BE CITED AS THE "NATUROPATHIC DOCTOR ACT".

8 **12-37.3-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "ADVISORY COMMITTEE" MEANS THE NATUROPATHIC MEDICINE
11 ADVISORY COMMITTEE CREATED IN SECTION 12-37.3-103.

12 (2) "APPROVED CLINICAL TRAINING" MEANS CLINICAL TRAINING
13 IN NATUROPATHIC MEDICINE IN AN INPATIENT OR OUTPATIENT SETTING
14 THAT HAS BEEN APPROVED BY THE DIRECTOR. "APPROVED CLINICAL
15 TRAINING" MAY INCLUDE COMPONENTS OF ALLOPATHIC MEDICINE IN
16 ADDITION TO NATUROPATHIC MEDICINE.

17 (3) "APPROVED NATUROPATHIC MEDICAL COLLEGE" MEANS:

18 (a) A NATUROPATHIC MEDICAL EDUCATION PROGRAM IN THE
19 UNITED STATES OR CANADA THAT GRANTS THE DEGREE OF DOCTOR OF
20 NATUROPATHIC MEDICINE OR DOCTOR OF NATUROPATHY AND THAT:

21 (I) IS APPROVED BY THE DIRECTOR;

22 (II) OFFERS GRADUATE-LEVEL, FULL-TIME DIDACTIC AND
23 SUPERVISED CLINICAL TRAINING; AND

24 (III) IS ACCREDITED OR HAS ACHIEVED CANDIDACY STATUS FOR
25 ACCREDITATION BY THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION
26 OR AN EQUIVALENT ACCREDITING BODY FOR NATUROPATHIC MEDICAL
27 PROGRAMS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF

1 EDUCATION; OR

2 (b) ANY OTHER COLLEGE OR PROGRAM APPROVED BY THE

3 DIRECTOR AND ACCREDITED BY THE COUNCIL ON NATUROPATHIC MEDICAL

4 EDUCATION OR ITS SUCCESSOR ENTITY.

5 (4) "CONTINUING PROFESSIONAL COMPETENCY" MEANS THE

6 ONGOING ABILITY OF A NATUROPATHIC DOCTOR TO LEARN, INTEGRATE,

7 AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT TO PRACTICE AS A

8 NATUROPATHIC DOCTOR ACCORDING TO GENERALLY ACCEPTED

9 STANDARDS AND PROFESSIONAL ETHICAL STANDARDS.

10 (5) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE

11 DIRECTOR'S DESIGNEE.

12 (6) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND

13 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

14 (7) "HOMEOPATHIC PREPARATIONS" MEANS MEDICINES PREPARED

15 ACCORDING TO THE MOST CURRENT VERSION OF THE HOMEOPATHIC

16 PHARMACOPOEIA OF THE UNITED STATES, REVISED SERVICES.

17 (8) "MINOR OFFICE PROCEDURES" MEANS:

18 (a) THE REPAIR, CARE, AND SUTURING OF SUPERFICIAL

19 LACERATIONS AND ABRASIONS;

20 (b) THE REMOVAL OF FOREIGN BODIES LOCATED IN SUPERFICIAL

21 TISSUE, EXCLUDING THE EAR OR EYE; AND

22 (c) THE USE OF ANTISEPTICS AND LOCAL ANESTHETICS IN

23 CONNECTION WITH A PROCEDURE DESCRIBED IN PARAGRAPH (a) OR (b) OF

24 THIS SUBSECTION (8).

25 (9) "NATURAL HEALTH CARE SERVICES" OR "NATURAL HEALTH

26 CARE" INCLUDES, BUT IS NOT LIMITED TO:

27 (a) HEALING PRACTICES USING FOOD; FOOD EXTRACTS;

1 OVER-THE-COUNTER DIETARY SUPPLEMENTS, INCLUDING VITAMINS,
2 HERBS, MINERALS, AND ENZYMES; NUTRIENTS; HOMEOPATHIC REMEDIES
3 AND PREPARATIONS; THE PHYSICAL FORCES OF HEAT, COLD, WATER,
4 TOUCH, SOUND, AND LIGHT; AND MIND-BODY AND ENERGETIC HEALING
5 PRACTICES;

6 (b) EDUCATION, COUNSELING, OR ADVICE REGARDING HEALING
7 PRACTICES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9) AND
8 THEIR EFFECTS ON THE STRUCTURE AND FUNCTIONS OF THE HUMAN BODY;
9 AND

10 (c) SERVICES OR CARE AS MAY BE FURTHER DEFINED BY THE
11 DIRECTOR BY RULE.

12 (10) "NATUROPATHIC DOCTOR" OR "REGISTRANT" MEANS A
13 PERSON WHO IS REGISTERED BY THE DIRECTOR TO PRACTICE
14 NATUROPATHIC MEDICINE PURSUANT TO THIS ARTICLE.

15 (11) "NATUROPATHIC FORMULARY" MEANS THE LIST OF
16 NONPRESCRIPTION CLASSES OF MEDICINES DETERMINED BY THE DIRECTOR
17 THAT NATUROPATHIC DOCTORS USE IN THE PRACTICE OF NATUROPATHIC
18 MEDICINE.

19 (12) (a) "NATUROPATHIC MEDICINE", AS PERFORMED BY A
20 NATUROPATHIC DOCTOR, MEANS A SYSTEM OF HEALTH CARE FOR THE
21 PREVENTION, DIAGNOSIS, EVALUATION, AND TREATMENT OF INJURIES,
22 DISEASES AND CONDITIONS OF THE HUMAN BODY THROUGH THE USE OF
23 EDUCATION, NUTRITION, NATUROPATHIC PREPARATIONS, NATURAL
24 MEDICINES AND OTHER THERAPIES, AND OTHER MODALITIES THAT ARE
25 DESIGNED TO SUPPORT OR SUPPLEMENT THE HUMAN BODY'S OWN NATURAL
26 SELF-HEALING PROCESSES.

27 (b) "NATUROPATHIC MEDICINE" INCLUDES NATUROPATHIC

1 PHYSICAL MEDICINE, WHICH CONSISTS OF NATUROPATHIC MANUAL
2 THERAPY, THE THERAPEUTIC USE OF THE PHYSICAL AGENTS OF AIR,
3 WATER, HEAT, COLD, SOUND, LIGHT, TOUCH, AND ELECTROMAGNETIC
4 NONIONIZING RADIATION, AND THE PHYSICAL MODALITIES OF
5 ELECTROTHERAPY, DIATHERMY, ULTRAVIOLET LIGHT, ULTRASOUND,
6 HYDROTHERAPY, AND EXERCISE.

7 **12-37.3-103. Naturopathic medicine advisory committee -**
8 **creation - membership - duties.** (1) (a) THE NATUROPATHIC MEDICINE
9 ADVISORY COMMITTEE IS HEREBY CREATED IN THE DEPARTMENT OF
10 REGULATORY AGENCIES AS THE ENTITY RESPONSIBLE FOR ADVISING THE
11 DIRECTOR IN THE REGULATION OF THE PRACTICE OF NATUROPATHIC
12 MEDICINE BY NATUROPATHIC DOCTORS AND THE IMPLEMENTATION OF THIS
13 ARTICLE.

14 (b) (I) THE ADVISORY COMMITTEE CONSISTS OF NINE MEMBERS
15 APPOINTED BY THE DIRECTOR AS FOLLOWS:

- 16 (A) THREE MEMBERS WHO ARE NATUROPATHIC DOCTORS;
- 17 (B) THREE MEMBERS WHO ARE DOCTORS OF MEDICINE OR
18 OSTEOPATHY LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE;
- 19 (C) ONE MEMBER WHO IS A PHARMACIST LICENSED PURSUANT TO
20 ARTICLE 42.5 OF THIS TITLE; AND
- 21 (D) TWO MEMBERS FROM THE PUBLIC AT LARGE. THE DIRECTOR
22 SHALL MAKE REASONABLE EFFORTS TO APPOINT PUBLIC MEMBERS WHO
23 ARE OR HAVE BEEN CONSUMERS OF NATUROPATHIC MEDICINE.

24 (II) THE DIRECTOR SHALL APPOINT MEMBERS TO THE ADVISORY
25 COMMITTEE NO LATER THAN JANUARY 1, 2014.

26 (c) (I) EACH MEMBER OF THE ADVISORY COMMITTEE HOLDS OFFICE
27 UNTIL THE EXPIRATION OF THE MEMBER'S APPOINTED TERM OR UNTIL A

1 SUCCESSOR IS DULY APPOINTED. EXCEPT AS SPECIFIED IN SUBPARAGRAPH
2 (II) OF THIS PARAGRAPH (c), THE TERM OF OFFICE OF EACH MEMBER IS
3 FOUR YEARS, AND AN ADVISORY COMMITTEE MEMBER SHALL NOT SERVE
4 MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS. THE DIRECTOR SHALL
5 FILL A VACANCY OCCURRING ON THE ADVISORY COMMITTEE, OTHER THAN
6 BY EXPIRATION OF A TERM, BY APPOINTMENT FOR THE UNEXPIRED TERM
7 OF THE MEMBER.

8 (II) TO ENSURE STAGGERED TERMS OF OFFICE, THE INITIAL TERM
9 OF OFFICE OF ONE OF THE NATUROPATHIC DOCTOR MEMBERS, THE
10 PHARMACIST MEMBER, AND ONE OF THE MEMBERS REPRESENTING THE
11 PUBLIC IS TWO YEARS. THESE MEMBERS ARE ELIGIBLE TO SERVE ONE
12 ADDITIONAL FOUR-YEAR TERM OF OFFICE. ON AND AFTER THE EXPIRATION
13 OF THESE MEMBERS' TERMS, THE TERM OF OFFICE OF PERSONS APPOINTED
14 TO THESE POSITIONS ON THE ADVISORY COMMITTEE IS AS DESCRIBED IN
15 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), COMMENCING ON JANUARY
16 1 OF THE APPLICABLE YEAR.

17 (d) THE DIRECTOR MAY REMOVE ANY ADVISORY COMMITTEE
18 MEMBER FOR MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY.

19 (2) THE ADVISORY COMMITTEE SHALL ADVISE THE DIRECTOR IN
20 THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE AND RULES
21 ADOPTED UNDER THIS ARTICLE.

22 (3) MEMBERS OF THE ADVISORY COMMITTEE SHALL NOT RECEIVE
23 COMPENSATION FOR THEIR SERVICES BUT ARE ENTITLED TO
24 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES THEY INCUR IN
25 PERFORMING THEIR DUTIES.

26 **12-37.3-104. Director powers and duties.** (1) IN ADDITION TO
27 ANY OTHER POWERS AND DUTIES GRANTED OR IMPOSED ON THE DIRECTOR

1 UNDER THIS ARTICLE, THE DIRECTOR SHALL:

2 (a) ADOPT RULES NECESSARY TO ADMINISTER THIS ARTICLE;

3 (b) ESTABLISH THE FORM AND MANNER IN WHICH APPLICANTS ARE
4 TO APPLY FOR A NEW REGISTRATION OR TO RENEW A REGISTRATION;

5 (c) RECEIVE, REVIEW, AND APPROVE OR DENY APPLICATIONS FOR
6 REGISTRATIONS AND ISSUE AND RENEW REGISTRATIONS UNDER THIS
7 ARTICLE;

8 (d) ESTABLISH FEES FOR REGISTRATION APPLICATIONS AND
9 RENEWAL APPLICATIONS IN THE MANNER AUTHORIZED BY SECTION
10 24-34-105, C.R.S.;

11 (e) CONDUCT INVESTIGATIONS, HOLD HEARINGS, TAKE EVIDENCE,
12 AND PURSUE DISCIPLINARY ACTIONS PURSUANT TO SECTION 12-37.3-112
13 WITH RESPECT TO COMPLAINTS AGAINST NATUROPATHIC DOCTORS WHEN
14 THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
15 NATUROPATHIC DOCTOR IS VIOLATING THIS ARTICLE OR RULES ADOPTED
16 PURSUANT TO THIS ARTICLE, AND TO SUBPOENA WITNESSES, ADMINISTER
17 OATHS, AND COMPEL THE TESTIMONY OF WITNESSES AND THE PRODUCTION
18 OF BOOKS, PAPERS, AND RECORDS RELEVANT TO THOSE INVESTIGATIONS
19 OR HEARINGS. ANY SUBPOENA ISSUED PURSUANT TO THIS ARTICLE IS
20 ENFORCEABLE BY THE DISTRICT COURT.

21 (f) PERFORM OTHER FUNCTIONS AND DUTIES NECESSARY TO
22 ADMINISTER THIS ARTICLE.

23 **12-37.3-105. Practice of naturopathic medicine by**
24 **naturopathic doctors - exclusions - protected activities - rules.**

25 (1) THE PRACTICE OF NATUROPATHIC MEDICINE BY A NATUROPATHIC
26 DOCTOR INCLUDES THE FOLLOWING:

27 (a) THE PREVENTION AND TREATMENT OF HUMAN INJURY, DISEASE,

1 OR CONDITIONS THROUGH EDUCATION OR DIETARY OR NUTRITIONAL
2 ADVICE, AND THE PROMOTION OF HEALTHY WAYS OF LIVING;

3 (b) THE USE OF PHYSICAL EXAMINATIONS AND THE ORDERING OF
4 CLINICAL, LABORATORY, AND RADIOLOGICAL DIAGNOSTIC PROCEDURES
5 FROM LICENSED OR CERTIFIED HEALTH CARE FACILITIES OR LABORATORIES
6 FOR THE PURPOSE OF DIAGNOSING AND EVALUATING INJURIES, DISEASES,
7 AND CONDITIONS IN THE HUMAN BODY;

8 (c) DISPENSING, ADMINISTERING, ORDERING, AND PRESCRIBING
9 MEDICINES LISTED IN THE NATUROPATHIC FORMULARY, INCLUDING:

10 (I) EPINEPHRINE TO TREAT ANAPHYLAXIS; AND

11 (II) BARRIER CONTRACEPTIVES, EXCLUDING INTRAUTERINE
12 DEVICES; AND

13 (d) PERFORMING MINOR OFFICE PROCEDURES.

14 (2) A NATUROPATHIC DOCTOR SHALL NOT:

15 (a) PRESCRIBE, DISPENSE, ADMINISTER, OR INJECT A CONTROLLED
16 SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL "CONTROLLED
17 SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET SEQ., AS AMENDED.

18 (b) PERFORM SURGICAL PROCEDURES, INCLUDING SURGICAL
19 PROCEDURES USING A LASER DEVICE;

20 (c) USE GENERAL OR SPINAL ANESTHETICS, OTHER THAN TOPICAL
21 ANESTHETICS;

22 (d) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR
23 THERAPEUTIC PURPOSES;

24 (e) TREAT A CHILD WHO IS LESS THAN TWO YEARS OF AGE;

25 (f) TREAT A CHILD WHO IS TWO YEARS OF AGE OR OLDER BUT LESS
26 THAN EIGHT YEARS OF AGE, UNLESS THE NATUROPATHIC DOCTOR:

27 (I) PROVIDES TO THE PARENT OR LEGAL GUARDIAN OF THE CHILD

1 A COPY OF THE MOST RECENT IMMUNIZATIONS SCHEDULE RECOMMENDED
2 BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES TO THE
3 CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE FEDERAL
4 DEPARTMENT OF HEALTH AND HUMAN SERVICES AND RECOMMENDS THAT
5 THE PARENT OR LEGAL GUARDIAN FOLLOW THE IMMUNIZATIONS
6 SCHEDULE;

7 (II) DEMONSTRATES SUCCESSFUL COMPLETION OF THREE HOURS
8 PER YEAR OF EDUCATION OR PRACTICUM TRAINING SOLELY RELATED TO
9 PEDIATRICS IN ACCORDANCE WITH CONTINUING PROFESSIONAL
10 COMPETENCY REQUIREMENTS APPROVED BY THE DIRECTOR PURSUANT TO
11 SECTION 12-37.3-108; AND

12 (III) REQUIRES THE CHILD'S PARENT OR LEGAL GUARDIAN TO SIGN
13 AN INFORMED CONSENT THAT:

14 (A) DISCLOSES THAT THE NATUROPATHIC DOCTOR IS REGISTERED
15 PURSUANT TO THIS ARTICLE;

16 (B) DISCLOSES THAT THE NATUROPATHIC DOCTOR IS NOT A
17 PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE;

18 (C) RECOMMENDS THAT THE CHILD HAVE A RELATIONSHIP WITH
19 A LICENSED PEDIATRIC HEALTH CARE PROVIDER; AND

20 (D) IF THE CHILD HAS A RELATIONSHIP WITH A LICENSED PEDIATRIC
21 HEALTH CARE PROVIDER, REQUESTS PERMISSION FROM THE PARENT OR
22 LEGAL GUARDIAN FOR THE NATUROPATHIC DOCTOR TO ATTEMPT TO
23 DEVELOP AND MAINTAIN A COLLABORATIVE RELATIONSHIP WITH THE
24 LICENSED PEDIATRIC HEALTH CARE PROVIDER, AS DEFINED BY DIRECTOR
25 RULES;

26 (g) ENGAGE IN OR PERFORM THE PRACTICE OF MEDICINE, SURGERY,
27 OR ANY OTHER FORM OF HEALING EXCEPT AS AUTHORIZED BY THIS

1 ARTICLE;

2 (h) PRACTICE OBSTETRICS;

3 (i) PERFORM SPINAL ADJUSTMENT, MANIPULATION, OR
4 MOBILIZATION, BUT THIS PARAGRAPH (i) DOES NOT PROHIBIT A
5 NATUROPATHIC DOCTOR FROM PRACTICING NATUROPATHIC PHYSICAL
6 MEDICINE AS DESCRIBED IN SECTION 12-37.3-102 (12) (b); OR

7 (j) RECOMMEND THE DISCONTINUATION OF, OR COUNSEL AGAINST,
8 A COURSE OF CARE, INCLUDING A PRESCRIPTION DRUG THAT WAS
9 RECOMMENDED OR PRESCRIBED BY ANOTHER HEALTH CARE PRACTITIONER
10 LICENSED IN THIS STATE, UNLESS THE NATUROPATHIC DOCTOR CONSULTS
11 WITH THE HEALTH CARE PRACTITIONER WHO RECOMMENDED THE COURSE
12 OF CARE.

13 (3) (a) A NATUROPATHIC DOCTOR HAS THE SAME AUTHORITY AND
14 IS SUBJECT TO THE SAME RESPONSIBILITIES AS A LICENSED PHYSICIAN
15 UNDER PUBLIC HEALTH LAWS PERTAINING TO REPORTABLE DISEASES AND
16 CONDITIONS, COMMUNICABLE DISEASE CONTROL AND PREVENTION, AND
17 RECORDING OF VITAL STATISTICS AND HEALTH AND PHYSICAL
18 EXAMINATIONS, SUBJECT TO THE LIMITATIONS OF THE SCOPE OF PRACTICE
19 OF A NATUROPATHIC DOCTOR AS SPECIFIED IN THIS ARTICLE.

20 (b) BEFORE CONDUCTING AN INITIAL EXAMINATION OF A PATIENT,
21 A NATUROPATHIC DOCTOR SHALL OBTAIN THE PATIENT'S INFORMED
22 CONSENT TO THE EXAMINATION, EVIDENCED BY A WRITTEN STATEMENT IN
23 A FORM PRESCRIBED BY THE DIRECTOR AND SIGNED BY BOTH THE PATIENT
24 AND THE NATUROPATHIC DOCTOR. THE STATEMENT MUST:

25 (I) DISCLOSE THAT THE NATUROPATHIC DOCTOR IS NOT A MEDICAL
26 DOCTOR OR PHYSICIAN LICENSED UNDER ARTICLE 36 OF THIS TITLE;

27 (II) RECOMMEND THAT THE PATIENT HAVE A RELATIONSHIP WITH

1 A LICENSED PHYSICIAN; AND

2 (III) INDICATE THAT THE NATUROPATHIC DOCTOR WILL ATTEMPT
3 TO DEVELOP AND MAINTAIN A COLLABORATIVE RELATIONSHIP WITH THE
4 PATIENT'S PHYSICIAN, IF THE PATIENT HAS A RELATIONSHIP WITH A
5 LICENSED PHYSICIAN.

6 (c) A NATUROPATHIC DOCTOR SHALL COMMUNICATE AND
7 COOPERATE WITH A PATIENT'S OTHER HEALTH CARE PROVIDERS, IF ANY, TO
8 ENSURE THAT THE PATIENT RECEIVES COORDINATED CARE.

9 (d) A NATUROPATHIC DOCTOR SHALL REFER A PATIENT TO
10 ANOTHER HEALTH CARE PROFESSIONAL IF THE PATIENT'S NEEDS ARE
11 BEYOND THE NATUROPATHIC DOCTOR'S SCOPE OF KNOWLEDGE AND
12 PRACTICE.

13 (4) THIS ARTICLE DOES NOT PREVENT OR RESTRICT THE PRACTICE,
14 SERVICES, OR ACTIVITIES OF:

15 (a) A PERSON WHO IS LICENSED, CERTIFIED, OR REGISTERED TO
16 PRACTICE A PROFESSION OR OCCUPATION PURSUANT TO THIS TITLE AND
17 WHO ENGAGES IN ACTIVITIES THAT ARE WITHIN THE LAWFUL SCOPE OF
18 PRACTICE FOR THE PROFESSION OR OCCUPATION FOR WHICH THE PERSON
19 IS LICENSED, CERTIFIED, OR REGISTERED;

20 (b) A PERSON WHO PRACTICES NATURAL HEALTH CARE, PROVIDES
21 NATURAL HEALTH CARE SERVICES, OR ADVISES AND EDUCATES IN THE USE
22 OF NATURAL HEALTH CARE PRODUCTS, AS LONG AS THE PERSON DOES NOT:

23 (I) DIAGNOSE INJURIES OR DISEASES;

24 (II) PRESCRIBE MEDICINES AS AUTHORIZED FOR REGISTRANTS
25 PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION OR A
26 PRESCRIPTION DRUG OR CONTROLLED SUBSTANCE OR DEVICE IDENTIFIED
27 IN THE FEDERAL "CONTROLLED SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET

1 SEQ., AS AMENDED; OR

2 (III) PERFORM MINOR OFFICE PROCEDURES AS AUTHORIZED FOR
3 REGISTRANTS PURSUANT TO PARAGRAPH (d) OF SUBSECTION (1) OF THIS
4 SECTION;

5 (c) A PERSON WHO SELLS VITAMINS, HEALTH FOODS, DIETARY
6 SUPPLEMENTS, HERBS, OR OTHER NATURAL PRODUCTS, IF NOT OTHERWISE
7 PROHIBITED BY STATE OR FEDERAL LAW, AND WHO SELLS OR PROVIDES
8 INFORMATION ABOUT THE PRODUCTS;

9 (d) A PERSON WHO PROVIDES TRUTHFUL AND NONMISLEADING
10 INFORMATION REGARDING NATURAL HEALTH CARE PRODUCTS OR
11 SERVICES;

12 (e) A PERSON EMPLOYED BY THE FEDERAL GOVERNMENT WHO
13 PRACTICES NATUROPATHIC MEDICINE WHILE THE PERSON IS ENGAGED IN
14 THE PERFORMANCE OF HIS OR HER DUTIES;

15 (f) A PERSON WHO IS LICENSED OR OTHERWISE AUTHORIZED TO
16 PRACTICE AS A NATUROPATHIC DOCTOR IN ANOTHER STATE OR DISTRICT
17 IN THE UNITED STATES WHO IS CONSULTING WITH A NATUROPATHIC
18 DOCTOR IN THIS STATE AS LONG AS THE CONSULTATION IS LIMITED TO
19 EXAMINATION, RECOMMENDATION, OR TESTIMONY IN LITIGATION;

20 (g) A STUDENT ENROLLED IN AN APPROVED NATUROPATHIC
21 MEDICAL COLLEGE WHO PRACTICES NATUROPATHIC MEDICINE IF THE
22 PERFORMANCE OF SERVICES IS PURSUANT TO A COURSE OF INSTRUCTION
23 OR ASSIGNMENTS FROM AND UNDER THE SUPERVISION OF AN INSTRUCTOR
24 WHO IS A NATUROPATHIC DOCTOR OR A LICENSED PROFESSIONAL IN THE
25 FIELD IN WHICH HE OR SHE IS PROVIDING INSTRUCTION;

26 (h) A PERSON WHO ADMINISTERS A DOMESTIC OR FAMILY REMEDY
27 TO ONESELF OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY BASED ON

1 RELIGIOUS OR HEALTH BELIEFS; OR

2 (i) A PERSON WHO RENDERS AID IN AN EMERGENCY WHEN NO FEE
3 OR OTHER CONSIDERATION OF VALUE FOR THE SERVICES IS CHARGED,
4 RECEIVED, EXPECTED, OR CONTEMPLATED.

5 (5) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, A
6 PERSON WHO IS NOT REGISTERED UNDER THIS ARTICLE SHALL NOT:

7 (a) DIAGNOSE INJURY, DISEASE, AILMENT, INFIRMITY, DEFORMITY,
8 PAIN, OR OTHER CONDITION OF THE HUMAN BODY;

9 (b) DISPENSE, ADMINISTER, ORDER, OR PRESCRIBE MEDICINES AS
10 AUTHORIZED FOR REGISTRANTS PURSUANT TO PARAGRAPH (c) OF
11 SUBSECTION (1) OF THIS SECTION; OR

12 (c) USE THE TITLE "NATUROPATHIC DOCTOR", OR "DOCTOR OF
13 NATUROPATHY" OR THE ABBREVIATION "N.D."

14 (6) MANY THERAPIES USED BY NATUROPATHIC DOCTORS, SUCH AS
15 THE USE OF NUTRITIONAL SUPPLEMENTS, HERBS, FOODS, HOMEOPATHIC
16 PREPARATIONS, AND PHYSICAL FORCES SUCH AS HEAT, COLD, WATER,
17 TOUCH, AND LIGHT, ARE NOT THE EXCLUSIVE PRIVILEGE OF NATUROPATHIC
18 DOCTORS, AND THIS ARTICLE DOES NOT PROHIBIT THE USE OR PRACTICE OF
19 THOSE THERAPIES BY A PERSON WHO IS NOT REGISTERED UNDER THIS
20 ARTICLE TO PRACTICE NATUROPATHIC MEDICINE.

21 **12-37.3-106. Registration required - qualifications -**
22 **examination - registration by endorsement - rules.** (1) EFFECTIVE
23 JUNE 1, 2014, A PERSON SHALL NOT PRACTICE AS A NATUROPATHIC
24 DOCTOR IN THIS STATE WITHOUT A REGISTRATION.

25 (2) AN APPLICANT FOR A REGISTRATION TO PRACTICE AS A
26 NATUROPATHIC DOCTOR IN THIS STATE SHALL SUBMIT AN APPLICATION TO
27 THE DIRECTOR IN A FORM AND MANNER DETERMINED BY THE DIRECTOR BY

1 RULE, ACCOMPANIED BY THE FEE REQUIRED PURSUANT TO SECTION
2 12-37.3-104 (1) (d). THE DIRECTOR SHALL ISSUE A REGISTRATION TO
3 PRACTICE AS A NATUROPATHIC DOCTOR TO AN APPLICANT UPON RECEIPT
4 OF SATISFACTORY PROOF THAT THE APPLICANT:

5 (a) IS AT LEAST TWENTY-ONE YEARS OF AGE AND OF GOOD MORAL
6 CHARACTER;

7 (b) HAS OBTAINED A BACCALAUREATE DEGREE FROM AN
8 ACCREDITED EDUCATIONAL INSTITUTION OR DOCUMENTED EXPERIENCE
9 THAT PROVIDES THE SAME KIND, AMOUNT, AND LEVEL OF KNOWLEDGE AS
10 A BACCALAUREATE DEGREE, AS DETERMINED BY THE DIRECTOR;

11 (c) HAS GRADUATED FROM AND HOLDS A DOCTOR OF
12 NATUROPATHIC MEDICINE OR DOCTOR OF NATUROPATHY DEGREE FROM AN
13 APPROVED NATUROPATHIC MEDICAL COLLEGE;

14 (d) HAS SUCCESSFULLY PASSED EITHER A DIRECTOR-APPROVED
15 EXAMINATION OR A COMPREHENSIVE COMPETENCY-BASED NATIONAL
16 NATUROPATHIC LICENSING EXAMINATION ADMINISTERED BY THE NORTH
17 AMERICAN BOARD OF NATUROPATHIC EXAMINERS OR A NATIONALLY
18 RECOGNIZED, DIRECTOR-APPROVED SUCCESSOR ENTITY, AS DETERMINED
19 BY THE DIRECTOR BY RULE; AND

20 (e) HAS NOT HAD A LICENSE OR OTHER AUTHORIZATION TO
21 PRACTICE AS A NATUROPATHIC DOCTOR OR OTHER HEALTH CARE LICENSE,
22 REGISTRATION, OR CERTIFICATION DENIED, REVOKED, OR SUSPENDED BY
23 COLORADO OR ANY OTHER JURISDICTION FOR REASONS THAT RELATE TO
24 THE APPLICANT'S ABILITY TO SKILLFULLY AND SAFELY PRACTICE
25 NATUROPATHIC MEDICINE, UNLESS THE LICENSE, REGISTRATION, OR
26 CERTIFICATION IS REINSTATED TO GOOD STANDING BY COLORADO OR
27 ANOTHER JURISDICTION.

1 (3) THE DIRECTOR MAY ISSUE A REGISTRATION BY ENDORSEMENT
2 TO ENGAGE IN THE PRACTICE OF NATUROPATHIC MEDICINE TO AN
3 APPLICANT WHO HAS A LICENSE, CERTIFICATION, OR REGISTRATION IN
4 GOOD STANDING AS A NATUROPATHIC DOCTOR UNDER THE LAWS OF
5 ANOTHER JURISDICTION IF THE APPLICANT PRESENTS SATISFACTORY PROOF
6 TO THE DIRECTOR THAT, AT THE TIME OF APPLICATION FOR A COLORADO
7 REGISTRATION BY ENDORSEMENT, THE APPLICANT POSSESSES
8 CREDENTIALS AND QUALIFICATIONS THAT ARE SUBSTANTIALLY
9 EQUIVALENT TO THE REQUIREMENTS OF THIS SECTION. THE DIRECTOR MAY
10 ADOPT RULES CONCERNING THE NECESSARY APPLICANT CREDENTIALS AND
11 QUALIFICATIONS.

12 (4) THE DIRECTOR MAY DETERMINE, BY RULE, THE
13 QUALIFICATIONS FOR REGISTRATION UNDER THIS ARTICLE FOR A PERSON
14 WHO SATISFIES THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (e) OF
15 SUBSECTION (2) OF THIS SECTION BUT DOES NOT SATISFY THE
16 REQUIREMENTS FOR REGISTRATION UNDER PARAGRAPH (c) OR (d) OF
17 SUBSECTION (2) OF THIS SECTION AND WHO IS NOT LICENSED, CERTIFIED,
18 OR REGISTERED TO PRACTICE A PROFESSION OR OCCUPATION UNDER THIS
19 TITLE OR THE LAWS OF ANY OTHER JURISDICTION IN THE UNITED STATES.
20 THE DIRECTOR'S RULES MAY REQUIRE QUALIFICATIONS THE DIRECTOR
21 DEEMS APPROPRIATE AND MAY INCLUDE DOCUMENTED EVIDENCE THAT
22 THE PERSON:

23 (a) HAS COMPLETED A POST-GRADUATE LEVEL DIDACTIC AND
24 SUPERVISED CLINICAL EDUCATIONAL PROGRAM FROM AN ACCREDITED
25 EDUCATIONAL INSTITUTION, WHICH PROGRAM IS SUBSTANTIALLY
26 EQUIVALENT TO THE EDUCATION REQUIREMENTS SET FORTH IN
27 PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, AS DETERMINED BY

1 THE DIRECTOR BY RULE;

2 (b) HAS PASSED A NATIONAL EXAMINATION IN NATUROPATHIC
3 MEDICINE THAT IS SUBSTANTIALLY EQUIVALENT TO THE EXAMINATION
4 REQUIRED IN PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION, AS
5 DETERMINED BY THE DIRECTOR BY RULE; AND

6 (c) HAS AT LEAST TEN YEARS OF RELATED PROFESSIONAL
7 EXPERIENCE.

8 **12-37.3-107. Registration renewal or reinstatement - fees.** A
9 NATUROPATHIC DOCTOR SHALL RENEW OR REINSTATE HIS OR HER
10 REGISTRATION PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR,
11 AND THE DIRECTOR SHALL RENEW OR REINSTATE A REGISTRATION IN
12 ACCORDANCE WITH SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY
13 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT
14 PURSUANT TO SECTION 24-34-105, C.R.S., AND SHALL INCREASE RENEWAL
15 FEES CONSISTENT WITH SECTION 24-34-109 (4), C.R.S., TO FUND THE
16 DIVISION'S COSTS IN ADMINISTERING THIS ARTICLE. IF A PERSON FAILS TO
17 RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE
18 ESTABLISHED BY THE DIRECTOR, THE REGISTRATION EXPIRES. A PERSON
19 WHOSE REGISTRATION EXPIRES IS SUBJECT TO THE PENALTIES PROVIDED
20 IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S. THE DIRECTOR SHALL
21 TRANSMIT FEES COLLECTED PURSUANT TO THIS SECTION OR SECTION
22 12-37.3-106 TO THE STATE TREASURER FOR DEPOSIT IN THE DIVISION OF
23 PROFESSIONS AND OCCUPATIONS CASH FUND PURSUANT TO SECTION
24 24-34-105, C.R.S.

25 **12-37.3-108. Continuing professional competency - rules.**

26 (1) (a) A NATUROPATHIC DOCTOR SHALL MAINTAIN CONTINUING
27 PROFESSIONAL COMPETENCY TO PRACTICE NATUROPATHIC MEDICINE.

1 (b) THE DIRECTOR SHALL ADOPT RULES ESTABLISHING A
2 CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT
3 A MINIMUM, THE FOLLOWING ELEMENTS:

4 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A
5 NATUROPATHIC DOCTOR SEEKING TO RENEW OR REINSTATE A
6 REGISTRATION;

7 (II) DEVELOPMENT, EXECUTION, AND DOCUMENTATION OF A
8 LEARNING PLAN BASED ON THE ASSESSMENT; AND

9 (III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS
10 THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE
11 CONTINUING COMPETENCY IN THE PROFESSION; EXCEPT THAT A
12 NATUROPATHIC DOCTOR NEED NOT RETAKE ANY EXAMINATION REQUIRED
13 BY SECTION 12-37.3-106 (2) (d) FOR INITIAL REGISTRATION.

14 (c) THE DIRECTOR SHALL ESTABLISH THAT A NATUROPATHIC
15 DOCTOR SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF THIS
16 SECTION IF THE NATUROPATHIC DOCTOR MEETS THE CONTINUING
17 PROFESSIONAL COMPETENCY REQUIREMENTS OF ONE OF THE FOLLOWING
18 ENTITIES:

19 (I) A STATE DEPARTMENT, INCLUDING CONTINUING PROFESSIONAL
20 COMPETENCY REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL
21 ARRANGEMENT WITH A PROVIDER;

22 (II) AN ACCREDITING BODY RECOGNIZED BY THE DIRECTOR; OR

23 (III) AN ENTITY APPROVED BY THE DIRECTOR.

24 (d) (I) AFTER THE PROGRAM IS ESTABLISHED, A NATUROPATHIC
25 DOCTOR SHALL SATISFY THE REQUIREMENTS OF THE PROGRAM IN ORDER
26 TO RENEW OR REINSTATE A REGISTRATION TO PRACTICE NATUROPATHIC
27 MEDICINE.

1 (II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL
2 NATUROPATHIC DOCTORS, AND NOTHING IN THIS SECTION REQUIRES A
3 PERSON WHO EMPLOYS OR CONTRACTS WITH A NATUROPATHIC DOCTOR TO
4 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

5 (2) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION
6 DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING
7 PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT
8 SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION
9 WITH A CIVIL ACTION AGAINST A NATUROPATHIC DOCTOR. NEITHER THE
10 DIRECTOR NOR ANY OTHER PERSON SHALL USE THE RECORDS OR
11 DOCUMENTS UNLESS USED BY THE DIRECTOR TO DETERMINE WHETHER A
12 NATUROPATHIC DOCTOR IS MAINTAINING CONTINUING PROFESSIONAL
13 COMPETENCY TO ENGAGE IN THE PROFESSION.

14 **12-37.3-109. Compliance with transparency requirements.** A
15 NATUROPATHIC DOCTOR SHALL COMPLY WITH SECTION 24-34-110, C.R.S.,
16 REGARDING THE DISCLOSURE OF INFORMATION TO THE DIRECTOR.

17 **12-37.3-110. Persons entitled to practice as naturopathic**
18 **doctors - title protection for naturopathic doctors.** (1) A PERSON
19 SHALL NOT HOLD HIMSELF OR HERSELF OUT AS A NATUROPATHIC DOCTOR
20 OR USE ANY OF THE TITLES OR INITIALS REFERRED TO IN SUBSECTION (2)
21 OF THIS SECTION UNLESS THE PERSON IS REGISTERED AS A NATUROPATHIC
22 DOCTOR PURSUANT TO THIS ARTICLE.

23 (2) A NATUROPATHIC DOCTOR MAY USE THE TITLE
24 "NATUROPATHIC DOCTOR", OR "DOCTOR OF NATUROPATHY", OR THE
25 INITIALS "N.D."

26 (3) A NATUROPATHIC DOCTOR SHALL NOT USE:

27 (a) THE TERM "PHYSICIAN";

- 1 (b) THE ABBREVIATIONS "NMD" OR "N.M.D.";
- 2 (c) THE TERM "NATUROPATHIC MEDICAL DOCTOR".
- 3 (4) NOTHING IN THIS SECTION PREVENTS A NATUROPATHIC DOCTOR
- 4 FROM DISCLOSING MEMBERSHIP IN NATIONAL ORGANIZATIONS OR
- 5 ASSOCIATIONS OF NATUROPATHIC PHYSICIANS.
- 6 (5) NOTHING IN THIS SECTION PREVENTS A PERSON FROM USING
- 7 THE TERM "DOCTOR" OR THE TITLE "DR." IF HE OR SHE SATISFIES THE
- 8 REQUIREMENTS OF SECTION 6-1-707 (1) (a), C.R.S.

9 **12-37.3-111. Disclosures - record-keeping.** (1) A

10 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION

11 IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE DIRECTOR:

- 12 (a) THE NATUROPATHIC DOCTOR'S NAME, BUSINESS ADDRESS, AND
- 13 TELEPHONE NUMBER;
- 14 (b) THE NATURE OF THE SERVICES TO BE PROVIDED;
- 15 (c) A STATEMENT THAT NATUROPATHIC DOCTORS ARE REGISTERED
- 16 BY THE STATE TO PRACTICE NATUROPATHIC MEDICINE UNDER THE
- 17 "NATUROPATHIC DOCTOR ACT";
- 18 (d) THE PROHIBITIONS SPECIFIED IN SECTION 12-37.3-105 (2);
- 19 (e) THE STATES IN WHICH THE NATUROPATHIC DOCTOR HOLDS AN
- 20 ACTIVE LICENSE OR REGISTRATION; AND
- 21 (f) HOW TO FILE A COMPLAINT AGAINST A NATUROPATHIC DOCTOR.

22 (2) A NATUROPATHIC DOCTOR SHALL OBTAIN A WRITTEN

23 ACKNOWLEDGMENT FROM THE PATIENT STATING THAT THE PATIENT HAS

24 BEEN PROVIDED THE INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS

25 SECTION. THE NATUROPATHIC DOCTOR SHALL RETAIN THE

26 ACKNOWLEDGMENT FOR SEVEN YEARS AFTER THE DATE ON WHICH THE

27 LAST SERVICES WERE PROVIDED TO THE PATIENT.

1 (3) IF A NATUROPATHIC DOCTOR TREATS ANY PATIENT WHO IS
2 SEEKING TREATMENT FOR CANCER, THE NATUROPATHIC DOCTOR SHALL
3 RECOMMEND TO THE PATIENT THAT THE PATIENT CONSULT WITH A
4 LICENSED PHYSICIAN SPECIALIZING IN ONCOLOGY AND DOCUMENT THE
5 RECOMMENDATION IN WRITING.

6 **12-37.3-112. Grounds for discipline - disciplinary actions**
7 **authorized - procedures.** (1) THE DIRECTOR MAY DENY, REVOKE, OR
8 SUSPEND THE REGISTRATION OF, ISSUE A LETTER OF ADMONITION TO, OR
9 PLACE ON PROBATION A NATUROPATHIC DOCTOR FOR ANY OF THE
10 FOLLOWING ACTS OR OMISSIONS:

11 (a) VIOLATING, OR AIDING OR ABETTING ANOTHER IN THE
12 VIOLATION OF, THIS ARTICLE OR ANY RULE PROMULGATED BY THE
13 DIRECTOR PURSUANT TO THIS ARTICLE;

14 (b) FALSIFYING INFORMATION IN ANY APPLICATION, ATTEMPTING
15 TO OBTAIN OR OBTAINING A REGISTRATION BY FRAUD, DECEIT, OR
16 MISREPRESENTATION, OR AIDING OR ABETTING SUCH ACT;

17 (c) ENGAGING IN AN ACT OR OMISSION THAT DOES NOT MEET
18 GENERALLY ACCEPTED STANDARDS OF PRACTICE OF NATUROPATHIC
19 MEDICINE OR OF SAFE CARE FOR PATIENTS, WHETHER OR NOT ACTUAL
20 INJURY TO A PATIENT IS ESTABLISHED;

21 (d) HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL, A
22 HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE AS DEFINED IN
23 SECTION 18-18-102 (5), C.R.S.;

24 (e) FAILING TO REFER A PATIENT TO AN APPROPRIATE HEALTH
25 CARE PROFESSIONAL WHEN THE SERVICES REQUIRED BY THE PATIENT ARE
26 BEYOND THE LEVEL OF COMPETENCE OF THE NATUROPATHIC DOCTOR OR
27 BEYOND THE SCOPE OF NATUROPATHIC MEDICINE PRACTICE;

1 (f) VIOLATION OF A LAW OR REGULATION GOVERNING THE
2 PRACTICE OF NATUROPATHIC MEDICINE IN ANOTHER JURISDICTION;

3 (g) FALSIFYING, REPEATEDLY FAILING TO MAKE ESSENTIAL
4 ENTRIES IN, OR REPEATEDLY MAKING INCORRECT ESSENTIAL ENTRIES IN
5 PATIENT RECORDS;

6 (h) CONVICTION OF A FELONY, AN OFFENSE OF MORAL TURPITUDE,
7 OR A CRIME THAT WOULD CONSTITUTE A VIOLATION OF THIS ARTICLE. FOR
8 PURPOSES OF THIS PARAGRAPH (h), "CONVICTION" INCLUDES THE ENTRY
9 OF A PLEA OF GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF A
10 DEFERRED SENTENCE OR JUDGMENT.

11 (i) ADVERTISING THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,
12 DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE
13 NATUROPATHIC DOCTOR WILL PERFORM ANY ACT PROHIBITED BY THIS
14 ARTICLE;

15 (j) ENGAGING IN A SEXUAL ACT WITH A PATIENT DURING THE
16 COURSE OF PATIENT CARE OR WITHIN SIX MONTHS IMMEDIATELY
17 FOLLOWING THE WRITTEN TERMINATION OF THE PROFESSIONAL
18 RELATIONSHIP WITH THE PATIENT. AS USED IN THIS PARAGRAPH (j),
19 "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL
20 PENETRATION, AS THOSE TERMS ARE DEFINED IN SECTION 18-3-401, C.R.S.

21 (k) COMMITTING ABUSE OF HEALTH INSURANCE, AS PROHIBITED BY
22 SECTION 18-13-119, C.R.S.;

23 (l) ADVERTISING THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,
24 DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE
25 NATUROPATHIC DOCTOR WILL PERFORM ANY ACT PROHIBITED BY SECTION
26 18-13-119 (3), C.R.S.;

27 (m) VIOLATING A VALID ORDER OF THE DIRECTOR;

1 (n) FAILING TO REPORT TO THE DIRECTOR, WITHIN THIRTY DAYS
2 AFTER AN ADVERSE ACTION, THAT AN ADVERSE ACTION HAS BEEN TAKEN
3 AGAINST THE NATUROPATHIC DOCTOR BY A LICENSING AGENCY IN
4 ANOTHER STATE OR COUNTRY, A PEER REVIEW BODY, A HEALTH CARE
5 INSTITUTION, A PROFESSIONAL OR NATUROPATHIC MEDICAL SOCIETY OR
6 ASSOCIATION, A GOVERNMENTAL AGENCY, A LAW ENFORCEMENT AGENCY,
7 OR A COURT FOR ACTS OR CONDUCT THAT WOULD CONSTITUTE GROUNDS
8 FOR DISCIPLINARY OR ADVERSE ACTION AS DESCRIBED IN THIS ARTICLE;

9 (o) FAILING TO REPORT TO THE DIRECTOR, WITHIN THIRTY DAYS:

10 (I) THE SURRENDER OF A LICENSE OR OTHER AUTHORIZATION TO
11 PRACTICE AS A NATUROPATHIC DOCTOR IN ANOTHER STATE OR
12 JURISDICTION; OR

13 (II) THE SURRENDER OF MEMBERSHIP ON A MEDICAL STAFF OR IN
14 A NATUROPATHIC MEDICAL OR PROFESSIONAL ASSOCIATION OR SOCIETY
15 WHILE UNDER INVESTIGATION BY ANY OF THOSE AUTHORITIES OR BODIES
16 FOR ACTS OR CONDUCT SIMILAR TO ACTS OR CONDUCT THAT WOULD
17 CONSTITUTE GROUNDS FOR ACTION AS DESCRIBED IN THIS ARTICLE;

18 (p) (I) FAILING TO NOTIFY THE DIRECTOR OF A PHYSICAL OR
19 MENTAL ILLNESS OR CONDITION THAT AFFECTS THE NATUROPATHIC
20 DOCTOR'S ABILITY TO TREAT PATIENTS WITH REASONABLE SKILL AND
21 SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS
22 UNDER HIS OR HER CARE;

23 (II) FAILING TO ACT WITHIN THE LIMITATIONS CREATED BY A
24 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE
25 NATUROPATHIC DOCTOR UNABLE TO PRACTICE NATUROPATHIC MEDICINE
26 WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE
27 HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER CARE; OR

1 (III) FAILING TO COMPLY WITH THE LIMITATIONS AGREED TO
2 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION
3 12-37.3-116;

4 (q) FAILING TO TIMELY RESPOND TO A COMPLAINT FILED AGAINST
5 THE NATUROPATHIC DOCTOR;

6 (r) FAILING TO DEVELOP A WRITTEN PLAN FOR THE SECURITY OF
7 PATIENT MEDICAL RECORDS IN ACCORDANCE WITH SECTION 12-37.3-115;

8 (s) REFUSING TO SUBMIT TO A PHYSICAL OR MENTAL EXAMINATION
9 WHEN SO ORDERED BY THE DIRECTOR PURSUANT TO SECTION 12-37.3-117;

10 (t) FAILING TO OBTAIN AND CONTINUALLY MAINTAIN
11 PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION
12 12-37.3-114.

13 (2) IN ADDITION TO OR AS AN ALTERNATIVE TO THE DISCIPLINE
14 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR MAY
15 ASSESS AN ADMINISTRATIVE FINE OF UP TO FIVE THOUSAND DOLLARS
16 AGAINST A NATUROPATHIC DOCTOR WHO COMMITS ANY OF THE ACTS OR
17 OMISSIONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE DIRECTOR
18 SHALL TRANSMIT ANY MONEYS COLLECTED PURSUANT TO THIS
19 SUBSECTION (2) TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL
20 FUND.

21 (3) ANY PERSON WHOSE REGISTRATION IS REVOKED OR WHO
22 SURRENDERS HIS OR HER REGISTRATION TO AVOID DISCIPLINE IS
23 INELIGIBLE TO APPLY FOR A REGISTRATION UNDER THIS ARTICLE FOR AT
24 LEAST TWO YEARS AFTER THE DATE OF REVOCATION OR SURRENDER OF
25 THE REGISTRATION.

26 (4) THE DIRECTOR SHALL CONDUCT ANY PROCEEDING TO DENY,
27 SUSPEND, OR REVOKE A REGISTRATION OR PLACE A NATUROPATHIC

1 DOCTOR ON PROBATION IN ACCORDANCE WITH SECTIONS 24-4-104 AND
2 24-4-105, C.R.S. THE DIRECTOR MAY DESIGNATE AN ADMINISTRATIVE
3 LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO
4 CONDUCT THE PROCEEDING. THE ADMINISTRATIVE LAW JUDGE SHALL
5 CONDUCT THE PROCEEDING IN ACCORDANCE WITH SECTIONS 24-4-104 AND
6 24-4-105, C.R.S. A FINAL DECISION OF THE DIRECTOR OR THE
7 ADMINISTRATIVE LAW JUDGE IS SUBJECT TO JUDICIAL REVIEW BY THE
8 COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S.

9 (5) THE DIRECTOR MAY ACCEPT AS PRIMA FACIE EVIDENCE OF
10 GROUNDS FOR DISCIPLINARY ACTION ANY DISCIPLINARY ACTION TAKEN
11 AGAINST A NATUROPATHIC DOCTOR BY ANOTHER JURISDICTION IF THE
12 VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION WOULD BE
13 GROUNDS FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

14 (6) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
15 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
16 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
17 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
18 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,
19 ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR OR
20 ADMINISTRATIVE LAW JUDGE. THE DIRECTOR MAY APPOINT AN
21 ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF
22 TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT
23 THEM TO THE DIRECTOR, INCLUDING HOSPITAL AND NATUROPATHIC
24 DOCTOR RECORDS. THE PERSON PROVIDING COPIES OF RECORDS SHALL
25 PREPARE THE COPIES FROM THE ORIGINAL RECORD, DELETING THE NAME
26 OF THE PATIENT AND INSTEAD IDENTIFYING THE PATIENT BY A NUMBERED
27 CODE. UPON CERTIFICATION BY THE CUSTODIAN THAT THE COPIES ARE

1 TRUE AND COMPLETE EXCEPT FOR THE PATIENT'S NAME, THE COPIES ARE
2 DEEMED AUTHENTIC, SUBJECT TO THE RIGHT TO INSPECT THE ORIGINALS
3 FOR THE LIMITED PURPOSE OF ASCERTAINING THE ACCURACY OF THE
4 COPIES. THE COPIES ARE NOT CONFIDENTIAL, AND THE DIRECTOR OR
5 CUSTODIAN OF THE RECORDS AND THEIR AUTHORIZED EMPLOYEES ARE
6 NOT LIABLE FOR FURNISHING OR USING THE COPIES IN ACCORDANCE WITH
7 THIS SECTION.

8 (b) IF A WITNESS OR NATUROPATHIC DOCTOR FAILS TO COMPLY
9 WITH A SUBPOENA OR PROCESS, THE DIRECTOR MAY APPLY TO THE
10 DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR
11 NATUROPATHIC DOCTOR RESIDES OR CONDUCTS BUSINESS FOR AN ORDER
12 DIRECTING THE PERSON OR NATUROPATHIC DOCTOR TO APPEAR BEFORE
13 THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS,
14 DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE
15 EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION.
16 THE DIRECTOR SHALL PROVIDE NOTICE TO THE SUBPOENAED PERSON OR
17 NATUROPATHIC DOCTOR OF THE DIRECTOR'S APPLICATION TO THE DISTRICT
18 COURT, AND THE COURT SHALL NOT ISSUE THE ORDER ABSENT THE NOTICE.
19 IF THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR FAILS TO OBEY
20 THE COURT'S ORDER, THE COURT MAY HOLD THE PERSON IN CONTEMPT OF
21 COURT.

22 (7) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
23 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
24 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
25 BE DISMISSED AS BEING WITHOUT MERIT, THE DIRECTOR MAY ISSUE A
26 LETTER OF ADMONITION TO THE NATUROPATHIC DOCTOR.

27 (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A

1 REGISTRANT, THE LETTER MUST ADVISE THE REGISTRANT THAT HE OR SHE
2 HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER
3 RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE
4 INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH
5 THE LETTER OF ADMONITION IS BASED.

6 (c) IF THE REGISTRANT TIMELY REQUESTS ADJUDICATION, THE
7 DIRECTOR SHALL VACATE THE LETTER OF ADMONITION AND PROCESS THE
8 MATTER BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

9 (8) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
10 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE
11 DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, SHOULD BE DISMISSED,
12 BUT THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT
13 CONDUCT BY THE REGISTRANT THAT COULD LEAD TO SERIOUS
14 CONSEQUENCES IF NOT CORRECTED, THE DIRECTOR MAY SEND THE
15 REGISTRANT A CONFIDENTIAL LETTER OF CONCERN.

16 (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
17 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
18 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE
19 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
20 PROSECUTION.

21 (10) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
22 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
23 A REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO
24 THE HEALTH AND SAFETY OF THE PUBLIC OR A PERSON IS ACTING OR HAS
25 ACTED WITHOUT THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE
26 AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE DIRECTOR SHALL SET
27 FORTH IN THE ORDER THE STATUTES AND RULES ALLEGED TO HAVE BEEN

1 VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION,
2 AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNREGISTERED
3 PRACTICES IMMEDIATELY CEASE.

4 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
5 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10), THE
6 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
7 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE
8 DIRECTOR OR ADMINISTRATIVE LAW JUDGE SHALL CONDUCT THE HEARING
9 IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S.

10 (11) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
11 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
12 A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THE
13 DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS TO
14 WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE
15 PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR
16 UNREGISTERED PRACTICE.

17 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY THE PERSON THAT HE
18 OR SHE HAS BEEN ISSUED AN ORDER TO SHOW CAUSE. THE DIRECTOR
19 SHALL INCLUDE IN THE NOTICE A COPY OF THE ORDER, THE FACTUAL AND
20 LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
21 HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE
22 PERSON BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL,
23 POSTAGE PREPAID, OR IN ANY OTHER MANNER THAT IS PRACTICABLE.
24 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT
25 TO THIS SUBSECTION (11) CONSTITUTES NOTICE TO THE PERSON.

26 (c) (I) THE DIRECTOR SHALL COMMENCE THE HEARING ON AN
27 ORDER TO SHOW CAUSE NO EARLIER THAN TEN AND NO LATER THAN

1 FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR
2 SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN
3 PARAGRAPH (b) OF THIS SUBSECTION (11). THE DIRECTOR MAY CONTINUE
4 THE HEARING UPON AGREEMENT OF ALL PARTIES BASED UPON THE
5 COMPLEXITY OF THE MATTER, THE NUMBER OF PARTIES TO THE MATTER,
6 AND THE LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT
7 SHALL THE DIRECTOR CONTINUE THE HEARING MORE THAN SIXTY
8 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
9 NOTIFICATION.

10 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
11 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) DOES
12 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
13 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON THE PERSON
14 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (11) AND OTHER
15 EVIDENCE RELATED TO THE MATTER THAT THE DIRECTOR DEEMS
16 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS
17 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
18 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER IS FINAL AS TO
19 THAT PERSON BY OPERATION OF LAW. THE DIRECTOR SHALL CONDUCT THE
20 HEARING IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S.

21 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
22 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
23 HAS ACTED WITHOUT THE REQUIRED REGISTRATION OR HAS OR IS ABOUT
24 TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS
25 ARTICLE, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST ORDER
26 DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL
27 ACTS OR UNREGISTERED PRACTICES.

1 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
2 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (11), OF THE FINAL
3 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
4 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
5 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER IS
6 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL
7 REVIEW.

8 (12) THE DIRECTOR MAY ENTER INTO A STIPULATION WITH A
9 PERSON IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE
10 PRESENTED TO THE DIRECTOR, THAT THE PERSON HAS ENGAGED IN OR IS
11 ABOUT TO ENGAGE IN:

- 12 (a) AN UNREGISTERED ACT OR PRACTICE;
- 13 (b) AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS
14 ARTICLE OR OF ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE;
- 15 (c) A VIOLATION OF AN ORDER ISSUED PURSUANT TO THIS ARTICLE;
- 16 OR
- 17 (d) AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR
18 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE.

19 (13) IF A PERSON FAILS TO COMPLY WITH A FINAL
20 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
21 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
22 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION OCCURRED OR IS
23 OCCURRING TO BRING, AND IF SO REQUESTED THE ATTORNEY SHALL BRING,
24 SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF
25 TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL
26 ORDER.

27 (14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST

1 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION
2 OR OF THE DIRECTOR'S FINAL ORDER IN A COURT OF COMPETENT
3 JURISDICTION.

4 **12-37.3-113. Unauthorized practice - penalties.** A PERSON WHO
5 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A NATUROPATHIC
6 DOCTOR WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE
7 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED
8 IN SECTION 18-1.3-501, C.R.S.

9 **12-37.3-114. Professional liability insurance required -**
10 **vicarious liability - rules.** (1) IT IS UNLAWFUL FOR A PERSON TO
11 PRACTICE AS A NATUROPATHIC DOCTOR IN THIS STATE UNLESS THE PERSON
12 IS COVERED BY PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT
13 LESS THAN ONE MILLION DOLLARS.

14 (2) PROFESSIONAL LIABILITY INSURANCE REQUIRED BY THIS
15 SECTION MUST COVER ALL ACTS WITHIN THE SCOPE OF PRACTICE OF A
16 NATUROPATHIC DOCTOR.

17 (3) A NATUROPATHIC DOCTOR IS LIABLE FOR HIS OR HER ACTS OR
18 OMISSIONS IN THE PERFORMANCE OF NATUROPATHIC MEDICINE.

19 **12-37.3-115. Protection of medical records - registrant's**
20 **obligations - verification of compliance - noncompliance grounds for**
21 **discipline - rules.** (1) EACH NATUROPATHIC DOCTOR SHALL DEVELOP A
22 WRITTEN PLAN TO ENSURE THE SECURITY OF PATIENT MEDICAL RECORDS.
23 THE PLAN MUST ADDRESS AT LEAST THE FOLLOWING:

24 (a) THE STORAGE AND PROPER DISPOSAL OF PATIENT MEDICAL
25 RECORDS;

26 (b) THE DISPOSITION OF PATIENT MEDICAL RECORDS IN THE EVENT
27 THE NATUROPATHIC DOCTOR DIES, RETIRES, OR OTHERWISE CEASES TO

1 PRACTICE OR PROVIDE NATUROPATHIC MEDICAL CARE TO PATIENTS; AND

2 (c) THE METHOD BY WHICH PATIENTS MAY ACCESS OR OBTAIN
3 THEIR MEDICAL RECORDS PROMPTLY IF ANY OF THE EVENTS DESCRIBED IN
4 PARAGRAPH (b) OF THIS SUBSECTION (1) OCCURS.

5 (2) UPON INITIAL REGISTRATION UNDER THIS ARTICLE, THE
6 APPLICANT OR REGISTRANT SHALL ATTEST TO THE DIRECTOR THAT HE OR
7 SHE HAS DEVELOPED A PLAN IN COMPLIANCE WITH THIS SECTION.

8 (3) A NATUROPATHIC DOCTOR SHALL INFORM EACH PATIENT IN
9 WRITING OF THE METHOD BY WHICH THE PATIENT MAY ACCESS OR OBTAIN
10 HIS OR HER MEDICAL RECORDS IF AN EVENT DESCRIBED IN PARAGRAPH (b)
11 OF SUBSECTION (1) OF THIS SECTION OCCURS.

12 (4) THE DIRECTOR MAY ADOPT RULES REASONABLY NECESSARY TO
13 IMPLEMENT THIS SECTION.

14 **12-37.3-116. Confidential agreement to limit practice -**
15 **violation - grounds for discipline.** (1) IF A NATUROPATHIC DOCTOR HAS
16 A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS HIM OR
17 HER UNABLE TO PRACTICE NATUROPATHIC MEDICINE WITH REASONABLE
18 SKILL AND SAFETY TO PATIENTS, THE NATUROPATHIC DOCTOR SHALL
19 NOTIFY THE DIRECTOR OF THE ILLNESS OR CONDITION IN A MANNER AND
20 WITHIN A PERIOD DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY
21 REQUIRE THE NATUROPATHIC DOCTOR TO SUBMIT TO AN EXAMINATION TO
22 EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON
23 THE NATUROPATHIC DOCTOR'S ABILITY TO PRACTICE NATUROPATHIC
24 MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

25 (2) (a) UPON DETERMINING THAT A NATUROPATHIC DOCTOR WITH
26 A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER
27 LIMITED SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS,

1 THE DIRECTOR MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE
2 NATUROPATHIC DOCTOR IN WHICH THE NATUROPATHIC DOCTOR AGREES
3 TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY
4 THE ILLNESS OR CONDITION, AS DETERMINED BY THE DIRECTOR.

5 (b) AS PART OF THE AGREEMENT, THE NATUROPATHIC DOCTOR IS
6 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED
7 APPROPRIATE BY THE DIRECTOR.

8 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS
9 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR MONITORING.

10 (3) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR
11 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, A
12 NATUROPATHIC DOCTOR IS NOT ENGAGING IN ACTIVITIES THAT ARE
13 PROHIBITED PURSUANT TO SECTION 12-37.3-112. THE AGREEMENT DOES
14 NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE DIRECTOR.
15 HOWEVER, IF THE NATUROPATHIC DOCTOR FAILS TO COMPLY WITH THE
16 TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE
17 FAILURE CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION
18 12-37.3-112 (1) (p), AND THE NATUROPATHIC DOCTOR IS SUBJECT TO
19 DISCIPLINE IN ACCORDANCE WITH SECTION 12-37.3-112.

20 (4) THIS SECTION DOES NOT APPLY TO A NATUROPATHIC DOCTOR
21 SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES AS DESCRIBED IN
22 SECTION 12-37.3-112 (1) (d).

23 **12-37.3-117. Mental and physical examination of registrants.**

24 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
25 REGISTRANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND
26 SAFETY, THE DIRECTOR MAY REQUIRE THE REGISTRANT TO TAKE A MENTAL
27 OR PHYSICAL EXAMINATION BY A HEALTH CARE PROVIDER DESIGNATED BY

1 THE DIRECTOR. IF THE REGISTRANT REFUSES TO UNDERGO A MENTAL OR
2 PHYSICAL EXAMINATION, UNLESS DUE TO CIRCUMSTANCES BEYOND THE
3 REGISTRANT'S CONTROL, THE DIRECTOR MAY SUSPEND THE REGISTRANT'S
4 REGISTRATION UNTIL THE RESULTS OF THE EXAMINATION ARE KNOWN AND
5 THE DIRECTOR HAS MADE A DETERMINATION OF THE REGISTRANT'S
6 FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR
7 EXAMINATION AND DETERMINATION IN A TIMELY MANNER.

8 (2) THE DIRECTOR SHALL INCLUDE IN AN ORDER ISSUED UNDER
9 SUBSECTION (1) OF THIS SECTION THE BASIS OF THE DIRECTOR'S
10 REASONABLE CAUSE TO BELIEVE THAT THE REGISTRANT IS UNABLE TO
11 PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR THE PURPOSES OF A
12 DISCIPLINARY PROCEEDING AUTHORIZED BY THIS ARTICLE, THE
13 REGISTRANT IS DEEMED TO WAIVE ALL OBJECTIONS TO THE ADMISSIBILITY
14 OF THE EXAMINING HEALTH CARE PROVIDER'S TESTIMONY OR
15 EXAMINATION REPORTS ON THE GROUND THAT THE TESTIMONY AND
16 REPORTS ARE PRIVILEGED COMMUNICATIONS.

17 (3) THE REGISTRANT MAY SUBMIT TO THE DIRECTOR TESTIMONY
18 OR EXAMINATION REPORTS FROM A HEALTH CARE PROVIDER CHOSEN BY
19 THE REGISTRANT PERTAINING TO THE CONDITION THAT THE DIRECTOR
20 ALLEGES MAY PRECLUDE THE REGISTRANT FROM PRACTICING WITH
21 REASONABLE SKILL AND SAFETY. THE DIRECTOR MAY CONSIDER
22 TESTIMONY AND EXAMINATION REPORTS SUBMITTED BY THE REGISTRANT
23 IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND
24 EXAMINATION REPORTS OF THE HEALTH CARE PROVIDER DESIGNATED BY
25 THE DIRECTOR.

26 (4) A PERSON SHALL NOT USE THE RESULTS OF ANY MENTAL OR
27 PHYSICAL EXAMINATION ORDERED BY THE DIRECTOR AS EVIDENCE IN ANY

1 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR. THE EXAMINATION
2 RESULTS ARE NOT PUBLIC RECORDS AND ARE NOT AVAILABLE TO THE
3 PUBLIC.

4 **12-37.3-118. Inactive registration - rules.** A NATUROPATHIC
5 DOCTOR MAY REQUEST THAT THE DIRECTOR INACTIVATE OR ACTIVATE THE
6 NATUROPATHIC DOCTOR'S REGISTRATION. THE DIRECTOR SHALL
7 PROMULGATE RULES GOVERNING THE ACTIVATION AND INACTIVATION OF
8 REGISTRATIONS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
9 DIRECTOR'S RULES MAY LIMIT THE APPLICABILITY OF STATUTORY
10 REQUIREMENTS FOR MAINTAINING PROFESSIONAL LIABILITY INSURANCE
11 AND CONTINUING PROFESSIONAL COMPETENCY FOR A REGISTRANT WHOSE
12 REGISTRATION IS CURRENTLY INACTIVE. THE DIRECTOR NEED NOT
13 REACTIVATE AN INACTIVE REGISTRATION IF THE NATUROPATHIC DOCTOR
14 HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
15 ACTION UNDER SECTION 12-37.3-112. A NATUROPATHIC DOCTOR WHOSE
16 REGISTRATION IS CURRENTLY INACTIVE SHALL NOT PRACTICE
17 NATUROPATHIC MEDICINE.

18 **12-37.3-119. Repeal of article.** THIS ARTICLE IS REPEALED,
19 EFFECTIVE SEPTEMBER 1, 2017. PRIOR TO THE REPEAL, THE DEPARTMENT
20 OF REGULATORY AGENCIES SHALL REVIEW REGISTERING OF
21 NATUROPATHIC DOCTORS AS PROVIDED IN SECTION 24-34-104, C.R.S.

22 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, add
23 (48.5) (d) as follows:

24 **24-34-104. General assembly review of regulatory agencies
25 and functions for termination, continuation, or reestablishment.**

26 (48.5) The following agencies, functions, or both, terminate on
27 September 1, 2017:

1 (d) THE REGISTERING OF NATUROPATHIC DOCTORS BY THE
2 DIRECTOR PURSUANT TO ARTICLE 37.3 OF TITLE 12, C.R.S.

3 **SECTION 3.** In Colorado Revised Statutes, 24-34-110, **add** (3)
4 (a) (XXI) as follows:

5 **24-34-110. Medical transparency act of 2010 - disclosure of**
6 **information about health care licensees - fines - rules - short title -**
7 **legislative declaration.** (3) (a) As used in this section, "applicant" means
8 a person applying for a new, active license, certification, or registration
9 or to renew, reinstate, or reactivate an active license, certification, or
10 registration to practice:

11 (XXI) NATUROPATHIC MEDICINE PURSUANT TO ARTICLE 37.3 OF
12 TITLE 12, C.R.S.

13 **SECTION 4. Appropriation.** (1) In addition to any other
14 appropriation, there is hereby appropriated, out of any moneys in the
15 division of professions and occupations cash fund created in section
16 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise
17 appropriated, to the department of regulatory agencies, for the fiscal year
18 beginning July 1, 2013, the sum of \$90,489 and 0.9 FTE, or so much
19 thereof as may be necessary, to be allocated for the implementation of this
20 act as follows:

21 (a) \$62,397 and 0.9 FTE to the division of professions and
22 occupations for personal services and temporary contract personnel;

23 (b) \$5,088 to the division of professions and occupations for
24 operating expenses and capital outlay;

25 (c) \$829 to the division of professions and occupations for
26 printing and imaging;

27 (d) \$16,995 to the executive director's office and administrative

1 services for the purchase of legal services; and

2 (e) \$5,180 to the executive director's office and administrative
3 services for the purchase of computer center services.

4 (2) In addition to any other appropriation, there is hereby
5 appropriated to the department of law, for the fiscal year beginning July
6 1, 2013, the sum of \$16,995, or so much thereof as may be necessary, for
7 the provision of legal services for the department of regulatory agencies
8 related to the implementation of this act. Said sum is from reappropriated
9 funds received from the department of regulatory agencies out of the
10 appropriation made in paragraph (d) of subsection (1) of this section.

11 (3) In addition to any other appropriation, there is hereby
12 appropriated to the governor - lieutenant governor - state planning and
13 budgeting, for the fiscal year beginning July 1, 2013, the sum of \$5,180,
14 or so much thereof as may be necessary, for allocation to the office of
15 information technology, for the provision of computer center services for
16 the department of regulatory agencies related to the implementation of
17 this act. Said sum is from reappropriated funds received from the
18 department of regulatory agencies out of the appropriation made in
19 paragraph (e) of subsection (1) of this section.

20 **SECTION 5. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2014 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.