

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0382.01 Christy Chase

HOUSE BILL 11-1173

HOUSE SPONSORSHIP

Riesberg,

SENATE SPONSORSHIP

Jahn,

House Committees

Health and Environment

Economic and Business Development

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF NATUROPATHIC DOCTORS.**

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 July 1, 2012. The director of the division of registrations in the department of regulatory agencies (department) is tasked with all functions necessary to regulate naturopathic doctors, including adopting rules, establishing application procedures, approving

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.

education and training, and disciplining naturopathic doctors. To be licensed by the state, a naturopathic doctor must:

- ! Be at least 18 years of age;
- ! Have a bachelor's degree and a doctor of naturopathy degree from an approved naturopathic medical college;
- ! Have completed at least 1,200 hours of approved clinical training before obtaining the doctoral degree;
- ! 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 or claiming to practice as another licensed health care professional;
- ! Using general or spinal anesthetics;
- ! Administering ionizing radioactive substances for therapeutic purposes;
- ! Performing chiropractic adjustments or manipulations, physical therapy, acupuncture, obstetrics, or colonic irrigation; and
- ! Treating cancer, engaging in prescription and intravenous chelation, or treating a child under 2 years of age without first obtaining a waiver from the child's parent or guardian.

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 advise a patient who is under the care of a physician that he or she should inform the physician of the treatment by the naturopathic doctor and are to refer patients seeking treatment for cancer to 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, 2017.

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

2 **SECTION 1.** Title 12, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

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

15 (2) "APPROVED NATUROPATHIC MEDICAL COLLEGE" MEANS:

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

19 (I) IS APPROVED BY THE DIRECTOR;

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

22 (III) IS ACCREDITED OR HAS ACHIEVED CANDIDACY STATUS FOR
23 ACCREDITATION BY THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION

1 OR AN EQUIVALENT FEDERALLY RECOGNIZED ACCREDITING BODY FOR
2 NATUROPATHIC MEDICAL PROGRAMS; OR

3 (b) ANY OTHER COLLEGE OR PROGRAM APPROVED BY THE
4 DIRECTOR AND ACCREDITED BY THE COUNCIL ON NATUROPATHIC MEDICAL
5 EDUCATION, OR ITS SUCCESSOR ENTITY.

6 (3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

7 (4) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE
8 DEPARTMENT OF REGULATORY AGENCIES.

9 (5) "HOMEOPATHIC PREPARATIONS" MEANS MEDICINES PREPARED
10 ACCORDING TO THE HOMEOPATHIC PHARMACOPOEIA OF THE UNITED
11 STATES.

12 (6) "NATUROPATHIC DOCTOR" MEANS A PERSON WHO IS LICENSED
13 BY THE DIRECTOR TO PRACTICE NATUROPATHIC MEDICINE PURSUANT TO
14 THIS ARTICLE.

15 (7) (a) "NATUROPATHIC MEDICINE" MEANS A SYSTEM OF HEALTH
16 CARE PRACTICES FOR THE PREVENTION, DIAGNOSIS, EVALUATION, AND
17 TREATMENT OF INJURIES, DISEASES, AND CONDITIONS OF THE HUMAN
18 BODY THROUGH THE USE OF EDUCATION, NUTRITION, NATURAL MEDICINES
19 AND THERAPIES, AND OTHER MODALITIES THAT ARE DESIGNED TO
20 SUPPORT, STIMULATE, OR SUPPLEMENT THE HUMAN BODY'S OWN NATURAL
21 SELF-HEALING PROCESSES.

22 (b) "NATUROPATHIC MEDICINE" INCLUDES NATUROPATHIC
23 PHYSICAL MEDICINE, WHICH CONSISTS OF THE THERAPEUTIC USE OF THE
24 PHYSICAL AGENTS OF AIR, WATER, HEAT, COLD, SOUND, LIGHT, TOUCH,
25 AND ELECTROMAGNETIC NONIONIZING RADIATION AND THE PHYSICAL
26 MODALITIES OF ELECTROTHERAPY, DIATHERMY, ULTRAVIOLET LIGHT,
27 ULTRASOUND, HYDROTHERAPY, AND EXERCISE.

1 **12-37.3-103. Practice of naturopathic medicine - exclusions -**

2 **protected activities.** (1) THE PRACTICE OF NATUROPATHIC MEDICINE
3 INCLUDES THE FOLLOWING:

4 (a) THE PREVENTION AND TREATMENT OF HUMAN INJURY, DISEASE,
5 OR CONDITIONS THROUGH EDUCATION OR DIETARY OR NUTRITIONAL
6 ADVICE, AND THE PROMOTION OF HEALTHY WAYS OF LIVING;

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

12 (c) DISPENSING, ADMINISTERING, ORDERING, AND PRESCRIBING
13 NATURAL MEDICINES OF MINERAL, ANIMAL, OR BOTANICAL ORIGIN,
14 INCLUDING FOOD PRODUCTS OR EXTRACTS, VITAMINS, MINERALS,
15 ENZYMES, DIGESTIVE AIDS, NATURAL HORMONES, PLANT SUBSTANCES,
16 HOMEOPATHIC PREPARATIONS, NATURAL ANTIBIOTICS, AND TOPICAL
17 MEDICINES, AND NONPRESCRIPTION DRUGS, AS DEFINED IN SECTION
18 12-22-102, THERAPEUTIC DEVICES, AND BARRIER CONTRACEPTIVES TO
19 PREVENT OR TREAT INJURIES, DISEASES, AND CONDITIONS OF THE HUMAN
20 BODY.

21 (2) A NATUROPATHIC DOCTOR SHALL NOT:

22 (a) PRESCRIBE, DISPENSE, ADMINISTER, OR INJECT A CONTROLLED
23 SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL "CONTROLLED
24 SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET SEQ., AS AMENDED, EXCEPT AS
25 AUTHORIZED BY THIS ARTICLE;

26 (b) PERFORM SURGICAL PROCEDURES, INCLUDING SURGICAL
27 PROCEDURES USING A LASER DEVICE AND SURGICAL PROCEDURES

1 INVOLVING THE EYE, EAR, TENDONS, NERVES, VEINS, OR ARTERIES
2 EXTENDING BEYOND SUPERFICIAL TISSUE; EXCEPT THAT A NATUROPATHIC
3 DOCTOR MAY PERFORM MINOR OFFICE PROCEDURES AUTHORIZED BY THIS
4 ARTICLE;

5 (c) PRACTICE OR CLAIM TO PRACTICE AS A MEDICAL DOCTOR,
6 PHYSICIAN, OSTEOPATH, DENTIST, PODIATRIST, OPTOMETRIST,
7 PSYCHOLOGIST, ADVANCED PRACTICE NURSE, PHYSICIAN ASSISTANT,
8 CHIROPRACTOR, PHYSICAL THERAPIST, ACUPUNCTURIST, OR ANY OTHER
9 HEALTH CARE PROFESSIONAL NOT AUTHORIZED IN THIS ARTICLE, UNLESS
10 THE NATUROPATHIC DOCTOR IS LICENSED BY THE STATE TO ENGAGE IN THE
11 PARTICULAR PRACTICE;

12 (d) USE GENERAL OR SPINAL ANESTHETICS;

13 (e) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR
14 THERAPEUTIC PURPOSES;

15 (f) PERFORM CHIROPRACTIC ADJUSTMENTS, AS DEFINED IN SECTION
16 12-33-102;

17 (g) PERFORM ACUPUNCTURE UNLESS LICENSED AS AN
18 ACUPUNCTURIST PURSUANT TO ARTICLE 29.5 OF THIS TITLE;

19 (h) PERFORM OBSTETRICS;

20 (i) TREAT CANCER; EXCEPT THAT A NATUROPATHIC DOCTOR MAY
21 TREAT THE SYMPTOMS AND SIDE EFFECTS OF CANCER TREATMENT;

22 (j) ENGAGE IN PRESCRIPTION AND INTRAVENOUS CHELATION;

23 (k) PERFORM COLONIC IRRIGATION; AND

24 (l) TREAT A CHILD UNDER TWO YEARS OF AGE UNLESS:

25 (I) THE NATUROPATHIC DOCTOR VERIFIES THAT THE CHILD IS
26 BEING TREATED BY A PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF
27 THIS TITLE; OR

1 (II) THE NATUROPATHIC DOCTOR OBTAINS A WAIVER SIGNED BY
2 THE CHILD'S PARENT OR GUARDIAN STATING THAT HE OR SHE REFUSES TO
3 HAVE THE CHILD TREATED BY A PHYSICIAN, IN WHICH CASE THE
4 NATUROPATHIC DOCTOR SHALL, IN WRITING, ADVISE THE PARENT OR
5 GUARDIAN THAT THE PARENT OR GUARDIAN IS RESPONSIBLE FOR
6 FOLLOWING ALL APPLICABLE LAWS.

7 (3) NOTHING IN THIS ARTICLE PROHIBITS OR RESTRICTS:

8 (a) A PERSON WHO IS LICENSED, CERTIFIED, OR REGISTERED TO
9 PRACTICE A PROFESSION OR OCCUPATION UNDER ANY OTHER LAW FROM
10 ENGAGING IN ACTIVITIES THAT ARE WITHIN THE LAWFUL SCOPE OF
11 PRACTICE FOR THE PROFESSION OR OCCUPATION FOR WHICH THE PERSON
12 IS LICENSED, CERTIFIED, OR REGISTERED;

13 (b) THE PRACTICE OF NATUROPATHIC MEDICINE BY A PERSON
14 EMPLOYED BY THE FEDERAL GOVERNMENT WHILE THE PERSON IS ENGAGED
15 IN THE PERFORMANCE OF HIS OR HER DUTIES PRESCRIBED BY FEDERAL
16 LAW;

17 (c) THE PRACTICE OF NATUROPATHIC MEDICINE BY STUDENTS
18 ENROLLED IN AN APPROVED NATUROPATHIC MEDICAL COLLEGE IF THE
19 PERFORMANCE OF SERVICES IS PURSUANT TO A COURSE OF INSTRUCTION
20 OR ASSIGNMENTS FROM AND UNDER THE SUPERVISION OF AN INSTRUCTOR
21 WHO IS A LICENSED NATUROPATHIC DOCTOR OR A LICENSED PROFESSIONAL
22 IN THE FIELD IN WHICH HE OR SHE IS PROVIDING INSTRUCTION;

23 (d) ANY PERSON FROM TREATING ONESELF OR A MEMBER OF HIS OR
24 HER IMMEDIATE FAMILY BASED ON RELIGIOUS OR HEALTH BELIEFS;

25 (e) ANY PERSON WHO SELLS VITAMINS AND HERBS FROM
26 PROVIDING INFORMATION ABOUT THE PRODUCTS; OR

27 (f) A PERSON OR PRACTITIONER WHO IS NOT LICENSED AS A

1 NATUROPATHIC DOCTOR PURSUANT TO THIS ARTICLE FROM ADVISING IN
2 THE USE OF A THERAPY, INCLUDING HERBAL MEDICINE, HOMEOPATHY,
3 NUTRITION, OR OTHER NONDRUG OR NONSURGICAL THERAPY THAT IS
4 WITHIN THE SCOPE OF PRACTICE OF A NATUROPATHIC DOCTOR AS
5 OUTLINED IN THIS ARTICLE, AS LONG AS:

6 (I) THE THERAPY IS WITHIN THE PERSON'S LAWFUL RIGHTS OR, IF
7 A LICENSED HEALTH CARE PROVIDER, WITHIN THE LEGALLY DEFINED SCOPE
8 OF PRACTICE OF THE PROFESSION AS SPECIFIED IN THE APPLICABLE STATE
9 LAW; AND

10 (II) THE PERSON OR PRACTITIONER DOES NOT REPRESENT OR HOLD
11 HIMSELF OR HERSELF OUT TO THE PUBLIC AS PRACTICING AS A
12 NATUROPATHIC DOCTOR IN THIS STATE OR OTHERWISE USE ANY NAME,
13 TITLE, OR OTHER DESIGNATION THAT INDICATES OR IMPLIES THAT HE OR
14 SHE IS LICENSED TO PRACTICE AS A NATUROPATHIC DOCTOR.

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

22 (5) THIS ARTICLE DOES NOT PROHIBIT A PERSON LICENSED TO
23 PRACTICE AS A NATUROPATHIC DOCTOR IN ANOTHER STATE OR DISTRICT
24 IN THE UNITED STATES FROM CONSULTING WITH A NATUROPATHIC
25 DOCTOR IN THIS STATE, AS LONG AS THE CONSULTATION IS LIMITED TO
26 EXAMINATION, RECOMMENDATION, OR TESTIMONY IN LITIGATION.

27 **12-37.3-104. Director - powers and duties - rules.** (1) IN

1 ADDITION TO ANY OTHER POWERS AND DUTIES CONFERRED ON THE
2 DIRECTOR BY LAW, THE DIRECTOR SHALL:

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

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

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

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

11 (e) CONDUCT INVESTIGATIONS, HOLD HEARINGS, TAKE EVIDENCE,
12 AND PURSUE DISCIPLINARY ACTIONS PURSUANT TO SECTION 12-37.3-111
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. License required - qualifications - examination -**
24 **licensure by endorsement - rules.** (1) ON AND AFTER JULY 1, 2012, A
25 PERSON SHALL NOT PRACTICE AS A NATUROPATHIC DOCTOR IN THIS STATE
26 WITHOUT A LICENSE.

27 (2) AN APPLICANT FOR A LICENSE TO PRACTICE AS A

1 NATUROPATHIC DOCTOR IN THIS STATE SHALL SUBMIT AN APPLICATION TO
2 THE DIRECTOR IN A FORM AND MANNER DETERMINED BY THE DIRECTOR BY
3 RULE, ACCOMPANIED BY THE FEE REQUIRED PURSUANT TO SECTION
4 12-37.3-104 (1) (d). THE DIRECTOR SHALL ISSUE A LICENSE TO PRACTICE
5 AS A NATUROPATHIC DOCTOR TO AN APPLICANT UPON RECEIPT OF
6 SATISFACTORY PROOF THAT THE APPLICANT:

7 (a) IS AT LEAST EIGHTEEN YEARS OF AGE AND OF GOOD MORAL
8 CHARACTER;

9 (b) HAS OBTAINED A BACCALAUREATE DEGREE FROM AN
10 ACCREDITED EDUCATIONAL INSTITUTION OR ITS EQUIVALENT, AS
11 DETERMINED BY THE DIRECTOR;

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

15 (d) SATISFACTORILY COMPLETED AT LEAST ONE THOUSAND TWO
16 HUNDRED HOURS OF APPROVED CLINICAL TRAINING PRIOR TO OBTAINING
17 THE DOCTOR OF NATUROPATHIC MEDICINE OR DOCTOR OF NATUROPATHY
18 DEGREE;

19 (e) SUCCESSFULLY PASSED A COMPETENCY-BASED NATIONAL
20 NATUROPATHIC LICENSING EXAMINATION ADMINISTERED BY THE NORTH
21 AMERICAN BOARD OF NATUROPATHIC EXAMINERS OR A SUCCESSOR
22 ENTITY THAT HAS BEEN NATIONALLY RECOGNIZED TO ADMINISTER A
23 NATUROPATHIC EXAMINATION THAT REPRESENTS FEDERAL STANDARDS OF
24 EDUCATION AND TRAINING; AND

25 (f) HAS NOT HAD A LICENSE TO PRACTICE AS A NATUROPATHIC
26 DOCTOR OR OTHER HEALTH CARE LICENSE, REGISTRATION, OR
27 CERTIFICATION DENIED, REVOKED, OR SUSPENDED BY ANY OTHER

1 JURISDICTION FOR REASONS THAT RELATE TO THE APPLICANT'S ABILITY TO
2 SKILLFULLY AND SAFELY PRACTICE NATUROPATHIC MEDICINE, UNLESS THE
3 LICENSE, REGISTRATION, OR CERTIFICATION IS REINSTATED TO GOOD
4 STANDING BY THAT JURISDICTION.

5 **12-37.3-106. License renewal or reinstatement - fees.** A
6 LICENSED NATUROPATHIC DOCTOR SHALL RENEW OR REINSTATE HIS OR
7 HER LICENSE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR,
8 AND THE DIRECTOR SHALL RENEW OR REINSTATE A LICENSE IN
9 ACCORDANCE WITH SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY
10 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT
11 PURSUANT TO SECTION 24-34-105, C.R.S., AND SHALL INCREASE RENEWAL
12 FEES CONSISTENT WITH SECTION 24-34-109 (4), C.R.S., TO FUND THE
13 DIVISION'S COSTS IN ADMINISTERING THIS ARTICLE. IF A PERSON FAILS TO
14 RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY
15 THE DIRECTOR, THE LICENSE EXPIRES. A PERSON WHOSE LICENSE EXPIRES
16 IS SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION
17 24-34-102 (8), C.R.S. THE DIRECTOR SHALL TRANSMIT FEES COLLECTED
18 PURSUANT TO THIS SECTION OR SECTION 12-37.3-105 TO THE STATE
19 TREASURER FOR DEPOSIT IN THE DIVISION OF REGISTRATIONS CASH FUND
20 PURSUANT TO SECTION 24-34-105, C.R.S.

21 **12-37.3-107. Continuing education.** (1) THE PURPOSE OF THIS
22 SECTION IS TO INCREASE THE ANNUAL SCIENTIFIC EDUCATIONAL
23 REQUIREMENTS OF NATUROPATHIC DOCTORS PRACTICING IN THIS STATE.
24 EACH NATUROPATHIC DOCTOR IN ACTIVE PRACTICE IN THE STATE SHALL
25 ANNUALLY ATTEND AT LEAST FIFTEEN HOURS OF SCIENTIFIC CLINICS,
26 FORUMS, OR NATUROPATHIC MEDICAL EDUCATIONAL STUDY CONSISTING
27 OF SUBJECTS BASIC TO THE FIELD OF NATUROPATHIC MEDICINE.

1 (2) THE DIRECTOR SHALL PREPARE AN EDUCATIONAL SCHEDULE OF
2 MINIMUM POSTGRADUATE REQUIREMENTS OF SUBJECTS THAT A SCHOOL,
3 CLINIC, FORUM, OR CONVENTION PROVIDING EDUCATIONAL WORK MUST
4 SATISFY, AND THE SCHOOL, CLINIC, FORUM, OR CONVENTION MUST
5 COMPLY WITH THE MINIMUM STANDARDS BEFORE THE DIRECTOR ISSUES A
6 POSTGRADUATE ATTENDANCE CERTIFICATE.

7 (3) THE DIRECTOR SHALL DETERMINE CREDIT HOURS. APPLICANTS
8 SHALL APPLY TO THE BOARD BEFORE OR AFTER THE COURSE AND SHALL
9 PRESENT PROOF OF ATTENDANCE AND SYNOPSIS OF THE COURSE CONTENT
10 FOR APPROVAL OF CREDIT HOURS. IF A NATUROPATHIC DOCTOR IS UNABLE
11 TO COMPLY WITH THIS SECTION ON ACCOUNT OF DIRE EMERGENCY AND
12 FOR GOOD CAUSE SHOWN, THE DIRECTOR MAY WAIVE THE REQUIREMENTS
13 OF THIS SECTION.

14 **12-37.3-108. 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 **12-37.3-109. 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 LICENSED 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 THE TERM
27 "PHYSICIAN". NOTHING IN THIS SECTION PREVENTS A NATUROPATHIC

1 DOCTOR FROM DISCLOSING MEMBERSHIP IN NATIONAL ORGANIZATIONS OR
2 ASSOCIATIONS OF NATUROPATHIC PHYSICIANS.

3 **12-37.3-110. Disclosures - record-keeping.** (1) A
4 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION
5 IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE DIRECTOR:

6 (a) THE NATUROPATHIC DOCTOR'S NAME, BUSINESS ADDRESS, AND
7 TELEPHONE NUMBER;

8 (b) THE NATURE OF THE SERVICES TO BE PROVIDED;

9 (c) THE PROHIBITIONS SPECIFIED IN SECTION 12-37.3-103 (2);

10 (d) THE STATES IN WHICH THE NATUROPATHIC DOCTOR HOLDS AN
11 ACTIVE LICENSE OR REGISTRATION;

12 (e) A STATEMENT THAT NATUROPATHIC DOCTORS ARE LICENSED
13 BY THE STATE TO PRACTICE NATUROPATHIC MEDICINE UNDER THE
14 "NATUROPATHIC DOCTOR ACT"; AND

15 (f) HOW TO FILE A COMPLAINT AGAINST A NATUROPATHIC DOCTOR.

16 (2) A NATUROPATHIC DOCTOR SHALL OBTAIN A WRITTEN
17 ACKNOWLEDGMENT FROM THE PATIENT STATING THAT THE PATIENT HAS
18 BEEN PROVIDED THE INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS
19 SECTION. THE NATUROPATHIC DOCTOR SHALL MAINTAIN THE
20 ACKNOWLEDGMENT FOR SEVEN YEARS AFTER THE LAST SERVICES
21 PROVIDED TO THE PATIENT.

22 (3) IF A NATUROPATHIC DOCTOR TREATS ANY PATIENT WHO IS
23 UNDER THE CARE OF A LICENSED PHYSICIAN, THE NATUROPATHIC DOCTOR
24 SHALL ADVISE THE PATIENT IN WRITING TO INFORM THE PATIENT'S
25 PHYSICIAN THAT THE PATIENT IS BEING TREATED BY A NATUROPATHIC
26 DOCTOR. IF A PATIENT IS SEEKING TREATMENT FOR CANCER, THE
27 NATUROPATHIC DOCTOR SHALL RECOMMEND TO THE PATIENT THAT THE

1 PATIENT CONSULT WITH A LICENSED PHYSICIAN SPECIALIZING IN
2 ONCOLOGY.

3 **12-37.3-111. Grounds for discipline - disciplinary actions**
4 **authorized - procedures.** (1) THE DIRECTOR MAY DENY, REVOKE, OR
5 SUSPEND THE LICENSE OF, ISSUE A LETTER OF ADMONITION OR A
6 CONFIDENTIAL LETTER OF CONCERN TO, OR PLACE ON PROBATION A
7 NATUROPATHIC DOCTOR FOR ANY OF THE FOLLOWING ACTS OR OMISSIONS:

8 (a) VIOLATING, OR AIDING OR ABETTING ANOTHER IN THE
9 VIOLATION OF, THIS ARTICLE OR ANY RULE PROMULGATED BY THE
10 DIRECTOR PURSUANT TO THIS ARTICLE;

11 (b) FAILING TO PROVIDE INFORMATION REQUIRED BY OR PAY A FEE
12 ASSESSED IN ACCORDANCE WITH THIS ARTICLE, OR PROVIDING FALSE,
13 DECEPTIVE, OR MISLEADING INFORMATION TO THE DIVISION THAT THE
14 NATUROPATHIC DOCTOR KNEW OR REASONABLY SHOULD HAVE KNOWN
15 WAS FALSE, DECEPTIVE, OR MISLEADING;

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

20 (d) HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL, A
21 HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE AS DEFINED IN
22 SECTION 12-22-303 (7);

23 (e) PROCURING OR ATTEMPTING TO PROCURE A LICENSE IN THIS OR
24 ANY OTHER STATE OR JURISDICTION BY FRAUD, DECEIT,
25 MISREPRESENTATION, MISLEADING OMISSION, OR MATERIAL
26 MISSTATEMENT OF FACT;

27 (f) VIOLATION OF A LAW OR REGULATION GOVERNING THE

1 PRACTICE OF NATUROPATHIC MEDICINE IN ANOTHER JURISDICTION;

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

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

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

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

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

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

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

27 (n) PRESCRIBING, DISTRIBUTING, INJECTING, ADMINISTERING, OR

1 ATTEMPTING TO PRESCRIBE, DISTRIBUTE, INJECT, OR ADMINISTER ANY
2 PRESCRIPTION DRUG, AS DEFINED IN SECTION 12-22-102, TO A PATIENT;

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

12 (p) FAILING TO REPORT TO THE DIRECTOR, WITHIN THIRTY DAYS:

13 (I) THE SURRENDER OF A LICENSE OR OTHER AUTHORIZATION TO
14 PRACTICE AS A NATUROPATHIC DOCTOR IN ANOTHER STATE OR
15 JURISDICTION; OR

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

21 (q) FAILING TO RESPOND TO A COMPLAINT FILED AGAINST THE
22 NATUROPATHIC DOCTOR;

23 (r) FAILING TO OBTAIN AND CONTINUALLY MAINTAIN
24 PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION
25 12-37.3-113.

26 (2) IN ADDITION TO OR AS AN ALTERNATIVE TO THE DISCIPLINE
27 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR MAY

1 ASSESS AN ADMINISTRATIVE FINE OF UP TO FIVE THOUSAND DOLLARS
2 AGAINST A LICENSED NATUROPATHIC DOCTOR WHO COMMITS ANY OF THE
3 ACTS OR OMISSIONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE
4 DIRECTOR SHALL TRANSMIT ANY MONEYS COLLECTED PURSUANT TO THIS
5 SUBSECTION (2) TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL
6 FUND.

7 (3) THE DIRECTOR SHALL CONDUCT ANY PROCEEDING TO DENY,
8 SUSPEND, OR REVOKE A LICENSE OR PLACE A NATUROPATHIC DOCTOR ON
9 PROBATION IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105,
10 C.R.S. THE DIRECTOR MAY DESIGNATE AN ADMINISTRATIVE LAW JUDGE
11 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT
12 THE PROCEEDING. THE ADMINISTRATIVE LAW JUDGE SHALL CONDUCT THE
13 PROCEEDING IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105,
14 C.R.S. A FINAL DECISION OF THE DIRECTOR OR THE ADMINISTRATIVE LAW
15 JUDGE IS SUBJECT TO JUDICIAL REVIEW BY THE COURT OF APPEALS
16 PURSUANT TO SECTION 24-4-106 (11), C.R.S.

17 (4) THE DIRECTOR MAY ACCEPT AS PRIMA FACIE EVIDENCE OF
18 GROUNDS FOR DISCIPLINARY ACTION ANY DISCIPLINARY ACTION TAKEN
19 AGAINST A LICENSED NATUROPATHIC DOCTOR BY ANOTHER JURISDICTION
20 IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION WOULD BE
21 GROUNDS FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

22 (5) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
23 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
24 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
25 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
26 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,
27 ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR OR

1 ADMINISTRATIVE LAW JUDGE. THE DIRECTOR MAY APPOINT AN
2 ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF
3 TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT
4 THEM TO THE DIRECTOR, INCLUDING HOSPITAL AND NATUROPATHIC
5 DOCTOR RECORDS. THE PERSON PROVIDING COPIES OF RECORDS SHALL
6 PREPARE THE COPIES FROM THE ORIGINAL RECORD, DELETING THE NAME
7 OF THE PATIENT AND INSTEAD IDENTIFYING THE PATIENT BY A NUMBERED
8 CODE. UPON CERTIFICATION BY THE CUSTODIAN THAT THE COPIES ARE
9 TRUE AND COMPLETE EXCEPT FOR THE PATIENT'S NAME, THE COPIES ARE
10 DEEMED AUTHENTIC, SUBJECT TO THE RIGHT TO INSPECT THE ORIGINALS
11 FOR THE LIMITED PURPOSE OF ASCERTAINING THE ACCURACY OF THE
12 COPIES. THE COPIES ARE NOT CONFIDENTIAL, AND THE DIRECTOR OR
13 CUSTODIAN OF THE RECORDS AND THEIR AUTHORIZED EMPLOYEES ARE
14 NOT LIABLE FOR FURNISHING OR USING THE COPIES IN ACCORDANCE WITH
15 THIS SECTION.

16 (b) IF A WITNESS OR NATUROPATHIC DOCTOR FAILS TO COMPLY
17 WITH A SUBPOENA OR PROCESS, THE DIRECTOR MAY APPLY TO THE
18 DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR
19 NATUROPATHIC DOCTOR RESIDES OR CONDUCTS BUSINESS FOR AN ORDER
20 DIRECTING THE PERSON OR NATUROPATHIC DOCTOR TO APPEAR BEFORE
21 THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS,
22 DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE
23 EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION.
24 THE DIRECTOR SHALL PROVIDE NOTICE TO THE SUBPOENAED PERSON OR
25 NATUROPATHIC DOCTOR OF HIS OR HER APPLICATION TO THE DISTRICT
26 COURT, AND THE COURT SHALL NOT ISSUE THE ORDER ABSENT THE NOTICE.
27 IF THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR FAILS TO OBEY

1 THE COURT'S ORDER, THE COURT MAY HOLD THE PERSON IN CONTEMPT OF
2 COURT.

3 (6) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
4 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
5 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
6 BE DISMISSED AS BEING WITHOUT MERIT, THE DIRECTOR MAY ISSUE A
7 LETTER OF ADMONITION TO THE NATUROPATHIC DOCTOR AND SHALL SEND
8 THE LETTER BY CERTIFIED MAIL TO THE LICENSEE.

9 (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A
10 LICENSEE, THE LETTER MUST ADVISE THE LICENSEE THAT HE OR SHE HAS
11 THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT
12 OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED
13 TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER
14 OF ADMONITION IS BASED.

15 (c) IF THE LICENSEE TIMELY REQUESTS ADJUDICATION, THE
16 DIRECTOR SHALL VACATE THE LETTER OF ADMONITION AND PROCESS THE
17 MATTER BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

18 (7) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
19 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE
20 DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT
21 SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF
22 POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO
23 SERIOUS CONSEQUENCES IF NOT CORRECTED, THE DIRECTOR MAY SEND
24 THE LICENSEE A CONFIDENTIAL LETTER OF CONCERN.

25 (8) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
26 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
27 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE

1 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
2 PROSECUTION.

3 (9) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
4 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
5 A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE
6 HEALTH AND SAFETY OF THE PUBLIC OR A PERSON IS ACTING OR HAS ACTED
7 WITHOUT THE REQUIRED LICENSURE, THE DIRECTOR MAY ISSUE AN ORDER
8 TO CEASE AND DESIST THE ACTIVITY. THE ORDER MUST SET FORTH THE
9 STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS
10 ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT
11 THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY
12 CEASE.

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

19 (10) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
20 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
21 A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THE
22 DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS TO
23 WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE
24 PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED
25 PRACTICE.

26 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY THE PERSON THAT HE
27 OR SHE HAS ISSUED AN ORDER TO SHOW CAUSE TO THE PERSON. THE

1 NOTICE MUST CONTAIN A COPY OF THE ORDER, THE FACTUAL AND LEGAL
2 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
3 HEARING ON THE ORDER. THE DIRECTOR MAY CAUSE THE NOTICE TO BE
4 SERVED ON THE PERSON BY PERSONAL SERVICE, BY FIRST-CLASS UNITED
5 STATES MAIL, POSTAGE PREPAID, OR IN ANY OTHER MANNER THAT IS
6 PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN ORDER OR
7 DOCUMENT PURSUANT TO THIS SUBSECTION (10) CONSTITUTES NOTICE TO
8 THE PERSON.

9 (c) (I) THE DIRECTOR SHALL COMMENCE THE HEARING ON AN
10 ORDER TO SHOW CAUSE NO EARLIER THAN TEN AND NO LATER THAN
11 FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR
12 SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN
13 PARAGRAPH (b) OF THIS SUBSECTION (10). THE DIRECTOR MAY CONTINUE
14 THE HEARING UPON AGREEMENT OF ALL PARTIES BASED UPON THE
15 COMPLEXITY OF THE MATTER, THE NUMBER OF PARTIES TO THE MATTER,
16 AND THE LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT
17 SHALL THE DIRECTOR CONTINUE THE HEARING MORE THAN SIXTY
18 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
19 NOTIFICATION.

20 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
21 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10) DOES
22 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
23 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON THE PERSON
24 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (10) AND OTHER
25 EVIDENCE RELATED TO THE MATTER THAT THE DIRECTOR DEEMS
26 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS
27 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE

1 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER IS FINAL AS TO
2 THAT PERSON BY OPERATION OF LAW. THE DIRECTOR SHALL CONDUCT THE
3 HEARING IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S.

4 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
5 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
6 HAS ACTED WITHOUT THE REQUIRED LICENSE OR HAS OR IS ABOUT TO
7 ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS
8 ARTICLE, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST ORDER
9 DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL
10 ACTS OR UNLICENSED PRACTICES.

11 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
12 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (10), OF THE FINAL
13 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
14 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
15 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER IS
16 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL
17 REVIEW.

18 (11) THE DIRECTOR MAY ENTER INTO A STIPULATION WITH A
19 PERSON IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE
20 PRESENTED TO THE DIRECTOR, THAT THE PERSON HAS ENGAGED IN OR IS
21 ABOUT TO ENGAGE IN:

- 22 (a) AN UNLICENSED ACT OR PRACTICE;
- 23 (b) AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS
24 ARTICLE OR OF ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE;
- 25 (c) AN ORDER ISSUED PURSUANT TO THIS ARTICLE; OR
- 26 (d) AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR
27 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE.

1 (12) IF A PERSON FAILS TO COMPLY WITH A FINAL
2 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
3 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
4 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION OCCURRED OR IS
5 OCCURRING TO BRING, AND IF SO REQUESTED THE ATTORNEY SHALL BRING,
6 SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF
7 TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL
8 ORDER.

9 (13) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST
10 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION
11 OR OF THE DIRECTOR'S FINAL ORDER IN A COURT OF COMPETENT
12 JURISDICTION.

13 **12-37.3-112. Unauthorized practice - penalties.** A PERSON WHO
14 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A NATUROPATHIC
15 DOCTOR WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE
16 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED
17 IN SECTION 18-1.3-501, C.R.S.

18 **12-37.3-113. Professional liability insurance required -**
19 **vicarious liability.** (1) (a) IT IS UNLAWFUL FOR A PERSON TO PRACTICE
20 AS A NATUROPATHIC DOCTOR IN THIS STATE UNLESS THE PERSON IS
21 COVERED BY PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT
22 LESS THAN FIVE HUNDRED THOUSAND DOLLARS PER CLAIM WITH AN
23 AGGREGATE LIABILITY LIMIT FOR ALL CLAIMS DURING THE YEAR OF AT
24 LEAST ONE MILLION DOLLARS.

25 (b) PROFESSIONAL LIABILITY INSURANCE REQUIRED BY THIS
26 SECTION MUST COVER ALL ACTS WITHIN THE SCOPE OF PRACTICE OF A
27 NATUROPATHIC DOCTOR.

1 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE
2 DIRECTOR, BY RULE, MAY EXEMPT OR ESTABLISH LESSER LIABILITY
3 INSURANCE REQUIREMENTS FOR ANY CLASS OF LICENSEE WHO:

4 (a) PRACTICES AS A NATUROPATHIC DOCTOR AS AN EMPLOYEE OF
5 THE UNITED STATES GOVERNMENT;

6 (b) RENDERS LIMITED OR OCCASIONAL NATUROPATHIC MEDICINE
7 SERVICES;

8 (c) PERFORMS LESS THAN FULL-TIME ACTIVE NATUROPATHIC
9 MEDICINE BECAUSE OF ADMINISTRATIVE OR OTHER NONCLINICAL DUTIES
10 OF PARTIAL OR COMPLETE RETIREMENT;

11 (d) PROVIDES UNCOMPENSATED NATUROPATHIC MEDICINE CARE
12 TO PATIENTS BUT DOES NOT OTHERWISE PROVIDE COMPENSATED
13 NATUROPATHIC MEDICINE CARE TO PATIENTS; OR

14 (e) PRACTICES AS A NATUROPATHIC DOCTOR IN A MANNER THAT
15 RENDERS THE AMOUNTS PROVIDED IN SUBSECTION (1) OF THIS SECTION
16 UNREASONABLE OR UNATTAINABLE.

17 (3) (a) A NATUROPATHIC DOCTOR IS LIABLE FOR HIS OR HER ACTS
18 OR OMISSIONS IN THE PERFORMANCE OF NATUROPATHIC MEDICINE. A
19 LICENSED PHYSICIAN, NURSE, PREHOSPITAL EMERGENCY CARE PROVIDER,
20 OR HEALTH CARE FACILITY IS NOT LIABLE FOR AN ACT OR OMISSION
21 RESULTING FROM THE PERFORMANCE OF NATUROPATHIC MEDICINE BY A
22 NATUROPATHIC DOCTOR.

23 (b) NOTHING IN THIS SUBSECTION (3) RELIEVES A PHYSICIAN,
24 NURSE, PREHOSPITAL EMERGENCY CARE PROVIDER, OR HEALTH CARE
25 FACILITY FROM LIABILITY FOR ANY WILLFUL, WANTON, OR GROSSLY
26 NEGLIGENT ACT OR OMISSION OF A NATUROPATHIC DOCTOR WHO HAS A
27 BUSINESS OR SUPERVISED RELATIONSHIP WITH THE PHYSICIAN, NURSE,

1 PREHOSPITAL EMERGENCY CARE PROVIDER, OR HEALTH CARE FACILITY.
2 A PHYSICIAN, NURSE, PREHOSPITAL EMERGENCY CARE PROVIDER, OR
3 HEALTH CARE FACILITY MAY CONSULT WITH OR PROVIDE EDUCATION TO
4 A NATUROPATHIC DOCTOR WITHOUT ESTABLISHING A BUSINESS OR
5 SUPERVISORY RELATIONSHIP WITH THE NATUROPATHIC DOCTOR.

6 **12-37.3-114. Repeal of article.** THIS ARTICLE IS REPEALED,
7 EFFECTIVE SEPTEMBER 1, 2017. PRIOR TO ITS REPEAL, THE DEPARTMENT
8 OF REGULATORY AGENCIES SHALL REVIEW LICENSING OF NATUROPATHIC
9 DOCTORS AS PROVIDED IN SECTION 24-34-104, C.R.S.

10 **SECTION 2.** 24-34-104 (48.5), Colorado Revised Statutes, is
11 amended to read:

12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for termination, continuation, or reestablishment.**

14 (48.5) The following agencies, functions, or both, shall terminate on
15 September 1, 2017:

16 (a) The domestic violence offender management board created in
17 section 16-11.8-103, C.R.S.

18 (b) THE LICENSING OF NATUROPATHIC DOCTORS PURSUANT TO
19 ARTICLE 37.3 OF TITLE 12, C.R.S.

20 **SECTION 3.** 24-34-110 (3) (a), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22 **24-34-110. Medical transparency act of 2010 - disclosure of**
23 **information about health care licensees - fines - rules - short title -**

24 **legislative declaration.** (3) (a) As used in this section, "applicant"
25 means a person applying for a new, active license, certification, or
26 registration or to renew, reinstate, or reactivate an active license,
27 certification, or registration to practice:

1 (XIX) NATUROPATHIC MEDICINE PURSUANT TO ARTICLE 37.3 OF
2 TITLE 12, C.R.S.

3 **SECTION 4. Act subject to petition - effective date.** This act
4 shall take effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part shall not take effect
10 unless approved by the people at the general election to be held in
11 November 2012 and shall take effect on the date of the official
12 declaration of the vote thereon by the governor.