

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 14-0755.01 Christy Chase x2008

SENATE BILL 14-128

SENATE SPONSORSHIP

Herpin,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE "NATUROPATHIC DOCTOR**
102 **ACT", AND, IN CONNECTION THEREWITH, ALLOWING**
103 **REGISTRATION BY NATUROPATHS WHO DO NOT SATISFY THE**
104 **CURRENT EDUCATION AND EXAMINATION CRITERIA FOR**
105 **OBTAINING A REGISTRATION, ELIMINATING CERTAIN AREAS OF**
106 **PRACTICE, AND ADDING MEMBERS TO THE ADVISORY**
107 **COMMITTEE.**

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

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.*

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

In the 2013 legislative session, the general assembly enacted House Bill 13-1111 to regulate naturopathic doctors (N.D.s) in this state and require N.D.s to obtain a registration from and be subject to oversight and discipline by the division of professions and occupations (division) in the department of regulatory agencies. Among other criteria for obtaining an N.D. registration, applicants must have:

- ! Obtained a bachelor's degree or equivalent experience;
- ! Graduated from, and hold a doctor of naturopathic medicine or doctor of naturopathy degree from, an approved naturopathic medicine college; and
- ! Successfully passed a national naturopathic licensing examination.

The bill allows a naturopathic doctor who does not satisfy the education and examination requirements but who holds an active certification in good standing from the American naturopathic medical certification board (ANMCB), or its successor entity, as a board-certified naturopathic doctor or naturopath to obtain a state-issued N.D. registration.

The bill also eliminates the ability of an N.D. to dispense, administer, order, or prescribe medicines or to perform minor office procedures.

Finally, the bill increases the size of the naturopathic medicine advisory committee from 9 to 11 members by adding 3 ANMCB-certified and state-registered N.D.s to the committee and eliminating one member who is a doctor of medicine or osteopathy.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-37.3-102, **amend**
3 (7) and (11); and **repeal** (2) and (9) as follows:

4 **12-37.3-102. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (2) ~~"Approved clinical training" means clinical training in~~
7 ~~naturopathic medicine in an inpatient or outpatient setting that has been~~
8 ~~approved by the director. "Approved clinical training" may include~~
9 ~~components of allopathic medicine in addition to naturopathic medicine.~~

1 (7) "Homeopathic preparations" OR "NATUROPATHIC FORMULARY"
2 means medicines prepared according to the most current version of the
3 homeopathic pharmacopoeia of the United States, revised services.

4 (9) ~~"Natural health care services" or "natural health care" includes,~~
5 ~~but is not limited to:~~

6 (a) ~~Healing practices using food; food extracts; over-the-counter~~
7 ~~dietary supplements, including vitamins, herbs, minerals, and enzymes;~~
8 ~~nutrients; homeopathic remedies and preparations; the physical forces of~~
9 ~~heat, cold, water, touch, sound, and light; and mind-body and energetic~~
10 ~~healing practices;~~

11 (b) ~~Education, counseling, or advice regarding healing practices~~
12 ~~described in paragraph (a) of this subsection (9) and their effects on the~~
13 ~~structure and functions of the human body; and~~

14 (c) ~~Services or care as may be further defined by the director by~~
15 ~~rule.~~

16 (11) ~~"Naturopathic formulary" means the list of nonprescription~~
17 ~~classes of medicines determined by the director that naturopathic doctors~~
18 ~~use in the practice of naturopathic medicine. "NATUROPATHIC HEALTH~~
19 ~~CARE SERVICES" OR "NATUROPATHIC HEALTH CARE" INCLUDES, BUT IS NOT~~
20 ~~LIMITED TO:~~

21 (a) MIND-BODY AND ENERGETIC HEALING PRACTICES AND OTHER
22 HEALING PRACTICES USING: FOOD; FOOD EXTRACTS; OVER-THE-COUNTER
23 DIETARY SUPPLEMENTS, INCLUDING VITAMINS, HERBS, MINERALS, AND
24 ENZYMES; NUTRIENTS; HOMEOPATHIC REMEDIES AND PREPARATIONS; AND
25 THE PHYSICAL FORCES OF HEAT, COLD, WATER, TOUCH, SOUND, AND LIGHT;

26 (b) EDUCATION, COUNSELING, OR ADVICE REGARDING HEALING
27 PRACTICES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (11) AND

1 THEIR EFFECTS ON THE STRUCTURE AND FUNCTIONS OF THE HUMAN BODY;
2 AND

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

5 **SECTION 2.** In Colorado Revised Statutes, 12-37.3-103, **amend**
6 (1) (b) introductory portion, (1) (b) (I) (A), (1) (b) (I) (B), (1) (b) (II), and
7 (1) (c) (II) as follows:

8 **12-37.3-103. Naturopathic medicine advisory committee -**
9 **creation - membership - duties.** (1) (b) (I) The advisory committee
10 consists of ~~nine~~ ELEVEN members appointed by the director as follows:

11 (A) Three members who are naturopathic doctors WHO SATISFY
12 THE QUALIFICATIONS FOR REGISTRATION IN SECTION 12-37.3-106 (2) (b)
13 (I) AND THREE MEMBERS WHO ARE NATUROPATHIC DOCTORS WHO SATISFY
14 THE QUALIFICATIONS FOR REGISTRATION IN SECTION 12-37.3-106 (2) (b)
15 (II);

16 (B) ~~Three~~ TWO members who are doctors of medicine or
17 osteopathy licensed pursuant to article 36 of this title;

18 (II) The director shall appoint members to the advisory committee
19 no later than ~~January 1, 2014~~ MAY 1, 2014.

20 (c) (II) To ensure staggered terms of office, the initial term of
21 office of one of the naturopathic doctor members WHO SATISFIES THE
22 QUALIFICATIONS FOR REGISTRATION SPECIFIED IN SECTION 12-37.3-106 (2)
23 (b) (I), ONE OF THE NATUROPATHIC DOCTORS WHO SATISFIES THE
24 QUALIFICATIONS FOR REGISTRATION SPECIFIED IN SECTION 12-37.3-106 (2)
25 (b) (II), ONE OF THE MEDICAL OR OSTEOPATHIC DOCTOR MEMBERS, the
26 pharmacist member, and one of the members representing the public is
27 two years. These members are eligible to serve one additional four-year

1 term of office. On and after the expiration of these members' terms, the
2 term of office of persons appointed to these positions on the advisory
3 committee is as described in subparagraph (I) of this paragraph (c),
4 commencing on January 1 of the applicable year.

5 **SECTION 3.** In Colorado Revised Statutes, 12-37.3-105, **amend**
6 (2) (i), (2) (j), and (4) (b) introductory portion; **repeal** (1) (c) and (1) (d);
7 and **add** (2) (k) as follows:

8 **12-37.3-105. Practice of naturopathic medicine by**
9 **naturopathic doctors - exclusions - protected activities - rules.**

10 (1) The practice of naturopathic medicine by a naturopathic doctor
11 includes the following:

12 (c) ~~Dispensing, administering, ordering, and prescribing~~
13 ~~medicines listed in the naturopathic formulary, including:~~

14 ~~(I) Epinephrine to treat anaphylaxis; and~~

15 ~~(H) Barrier contraceptives, excluding intrauterine devices; and~~

16 (d) ~~Performing minor office procedures.~~

17 (2) A naturopathic doctor shall not:

18 (i) Perform spinal adjustment, manipulation, or mobilization, but
19 this paragraph (i) does not prohibit a naturopathic doctor from practicing
20 naturopathic physical medicine as described in section 12-37.3-102 (12)

21 (b); ~~or~~

22 (j) Recommend the discontinuation of, or counsel against, a
23 course of care, including a prescription drug that was recommended or
24 prescribed by another health care practitioner licensed in this state, unless
25 the naturopathic doctor consults with the health care practitioner who
26 recommended the course of care; OR

27 (k) **PERFORM MINOR OFFICE PROCEDURES.**

1 (4) This article does not prevent or restrict the practice, services,
2 or activities of:

3 (b) A person who practices ~~natural~~ NATUROPATHIC health care,
4 provides ~~natural~~ NATUROPATHIC health care services, or advises and
5 educates in the use of ~~natural~~ PATUROPATHIC health care products, as long
6 as the person does not:

7 **SECTION 4.** In Colorado Revised Statutes, 12-37.3-106, **amend**
8 (2) and (4) as follows:

9 **12-37.3-106. Registration required - qualifications -**
10 **examination - registration by endorsement - rules.** (2) An applicant
11 for a registration to practice as a naturopathic doctor in this state shall
12 submit an application to the director in a form and manner determined by
13 the director by rule, accompanied by the fee required pursuant to section
14 12-37.3-104 (1) (d). The director shall issue a registration to practice as
15 a naturopathic doctor to an applicant upon receipt of satisfactory proof
16 that the applicant:

17 (a) Is at least twenty-one years of age and of good moral
18 character;

19 (b) (I) (A) Has obtained a baccalaureate degree from an accredited
20 educational institution or documented experience that provides the same
21 kind, amount, and level of knowledge as a baccalaureate degree, as
22 determined by the director;

23 ~~(e)~~ (B) Has graduated from and holds a doctor of naturopathic
24 medicine or doctor of naturopathy degree from an approved naturopathic
25 medical college; AND

26 ~~(d)~~ (C) Has successfully passed either a director-approved
27 examination or a comprehensive competency-based national naturopathic

1 licensing examination administered by the North American board of
2 naturopathic examiners or a nationally recognized, director-approved
3 successor entity, as determined by the director by rule; ~~and~~ OR

4 (II) HOLDS AN ACTIVE CERTIFICATION IN GOOD STANDING ISSUED
5 BY THE AMERICAN NATUROPATHIC MEDICAL CERTIFICATION BOARD, OR
6 ITS SUCCESSOR ENTITY, AS A BOARD-CERTIFIED NATUROPATHIC DOCTOR;
7 AND

8 ~~(e)~~ (c) Has not had a license or other authorization to practice as
9 a naturopathic doctor or other health care license, registration, or
10 certification denied, revoked, or suspended by Colorado or any other
11 jurisdiction for reasons that relate to the applicant's ability to skillfully
12 and safely practice naturopathic medicine, unless the license, registration,
13 or certification is reinstated to good standing by Colorado or another
14 jurisdiction.

15 (4) The director may determine, by rule, the qualifications for
16 registration under this article for a person who satisfies the requirements
17 of paragraphs (a) ~~(b), and (c)~~ AND (c) of subsection (2) of this section but
18 does not satisfy the requirements for registration under paragraph ~~(c)~~ or
19 ~~(d)~~ (b) of subsection (2) of this section and who is not licensed, certified,
20 or registered to practice a profession or occupation under this title or the
21 laws of any other jurisdiction in the United States. The director's rules
22 may require qualifications the director deems appropriate and may
23 include documented evidence that the person:

24 (a) Has completed a post-graduate level didactic and supervised
25 clinical educational program from an accredited educational institution,
26 which program is substantially equivalent to the education requirements
27 set forth in ~~paragraph (c)~~ SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I)

1 OF PARAGRAPH (b) of subsection (2) of this section, as determined by the
2 director by rule;

3 (b) Has passed a national examination in naturopathic medicine
4 that is substantially equivalent to the examination required in ~~paragraph~~
5 ~~(d)~~ SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF PARAGRAPH (b) of
6 subsection (2) of this section, as determined by the director by rule; and

7 (c) Has at least ten years of related professional experience.

8 **SECTION 5.** In Colorado Revised Statutes, 12-37.3-108, **amend**
9 (1) (b) (III) as follows:

10 **12-37.3-108. Continuing professional competency - rules.**

11 (1) (b) The director shall adopt rules establishing a continuing
12 professional competency program that includes, at a minimum, the
13 following elements:

14 (III) Periodic demonstration of knowledge and skills through
15 documentation of activities necessary to ensure continuing competency
16 in the profession; except that a naturopathic doctor need not retake any
17 examination required by section 12-37.3-106 ~~(2)~~ ~~(d)~~ (2) (b) (I) (C) for
18 initial registration.

19 **SECTION 6. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.