

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

1.2.09

DRAFT

LLS NO. 09-0217.01 Thomas Morris

SUNSET BILL

Sunset Process - Senate Health and  
Human Services Committee

SHORT TITLE: "Sunset Bd Chiropractic Examiners"

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE STATE BOARD OF  
102 CHIROPRACTIC EXAMINERS, AND, IN CONNECTION THEREWITH,  
103 INCREASING INSURANCE REQUIREMENTS, ADJUSTING THE  
104 BOARD'S DISCIPLINARY AUTHORITY, AND MODIFYING THE SCOPE  
105 OF PRACTICE.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Sunset Process - Senate Health and Human Services Committee.** Implements the recommendations of the department of regulatory agencies in its sunset review of the state board of chiropractic

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

examiners (board) as follows:

- *Recommendation 1.* Continues the board until July 1, 2020.
- *Recommendation 2.* Increases malpractice insurance requirements to \$300,000 per claim and \$1 million per year.
- *Recommendation 3.* Specifies that failure to respond to a board-generated complaint letter is grounds for discipline.
- *Recommendation 4.* Modifies the scope of practice.
- *Recommendation 5.* Deletes an obsolete provision relating to board member terms.
- *Recommendation 6.* Conforms the definition of "acupuncture" to an existing definition.
- *Recommendation 7.* Limits the board's fining authority to at least \$ \_\_\_\_ and no more than \$1,000 for a first violation and at least \$ \_\_\_\_ and no more than \$5,000 for subsequent violations. Directs the board to establish guidelines for the imposition of such fines.

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

2 **Recommendation 1**

3 **SECTION 1.** 12-33-103 (3) (b), Colorado Revised Statutes, is  
4 amended to read:

5 **12-33-103. State board of chiropractic examiners - subject to**  
6 **termination - repeal of article.** (3) (b) This article is repealed, effective  
7 July 1, 2009 2020.

8 **SECTION 2.** 24-34-104 (40) (p) and (51), Colorado Revised  
9 Statutes, are amended to read:

10 **24-34-104. General assembly review of regulatory agencies**  
11 **and functions for termination, continuation, or reestablishment.**

12 (40) The following agencies, functions, or both, shall terminate on July  
13 1, 2009:

14 (p) ~~The Colorado state board of chiropractic examiners, created~~  
15 ~~by article 33 of title 12, C.R.S.~~

1 (51) The following agencies, functions, or both, shall terminate on  
2 July 1, 2020:

3 (a) The regulation of persons working in coal mines by the  
4 department of natural resources through the coal mine board of examiners  
5 in accordance with article 22 of title 34, C.R.S.

6 (b) THE COLORADO STATE BOARD OF CHIROPRACTIC EXAMINERS,  
7 CREATED BY ARTICLE 33 OF TITLE 12, C.R.S.

8 **Recommendation 2**

9 **SECTION 3.** 12-33-116.5 (1) (a), Colorado Revised Statutes, is  
10 amended to read:

11 **12-33-116.5. Professional liability insurance required.**

12 (1) (a) It is unlawful for any person to practice chiropractic within this  
13 state unless the person purchases and maintains professional liability  
14 insurance in an amount not less than ~~one~~ THREE hundred thousand dollars  
15 per claim with an aggregate liability limit for all claims during the year  
16 of ~~three hundred thousand~~ ONE MILLION dollars.

17 **Recommendation 3**

18 **SECTION 4.** 12-33-117 (1), Colorado Revised Statutes, is  
19 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

20 **12-33-117. Discipline of licensees - letters of admonition,**  
21 **suspension, revocation, denial, and probation - grounds.** (1) Upon  
22 any of the following grounds, the board may issue a letter of admonition  
23 to a licensee or may revoke, suspend, deny, refuse to renew, or impose  
24 conditions on such licensee's license:

25 (ff) FAILING TO RESPOND TO A BOARD-GENERATED COMPLAINT  
26 LETTER.

27 **Recommendation 4**

1       **SECTION 5.** 12-33-102 (1), Colorado Revised Statutes, is  
2 amended to read:

3           **12-33-102. Definitions.** As used in this article, unless the context  
4 otherwise requires:

5           (1) "Chiropractic" means that branch of the healing arts which  
6 THAT is based on the premise that disease is attributable to the abnormal  
7 functioning of the human nervous system. It includes the diagnosing and  
8 analyzing of human ailments and seeks the elimination of the abnormal  
9 functioning of the human nervous system by the adjustment or  
10 manipulation, by hand OR INSTRUMENT, of the articulations and adjacent  
11 tissue of the human body, particularly the spinal column, and the usage  
12 as indicated of procedures which THAT facilitate and make the adjustment  
13 or manipulation more effective, and the use of sanitary, hygienic,  
14 nutritional, and physical remedial measures ~~necessary to such practice~~  
15 FOR THE PROMOTION, MAINTENANCE, AND RESTORATION OF HEALTH, THE  
16 PREVENTION OF DISEASE, AND THE TREATMENT OF HUMAN AILMENTS.  
17 "Chiropractic" includes the use of venipuncture for diagnostic purposes.  
18 ~~"Chiropractic" does not include colonic irrigation therapy.~~ "Chiropractic"  
19 includes treatment by acupuncture when performed by an appropriately  
20 trained chiropractor as determined by the Colorado state board of  
21 chiropractic examiners. Nothing in this section shall apply to persons  
22 using acupuncture not licensed by the board.

23           **SECTION 6. Repeal.** 12-33-117 (1) (1), Colorado Revised  
24 Statutes, is repealed as follows:

25           **12-33-117. Discipline of licensees - letters of admonition,**  
26 **suspension, revocation, denial, and probation - grounds.** (1) Upon  
27 any of the following grounds, the board may issue a letter of admonition

1 to a licensee or may revoke, suspend, deny, refuse to renew, or impose  
2 conditions on such licensee's license:

3 (1) ~~Treating a patient by colonic irrigation or allowing colonic~~  
4 ~~irrigation to be performed at the licensee's premises;~~

5 **Recommendation 5**

6 **SECTION 7.** 12-33-103 (1), Colorado Revised Statutes, is  
7 amended to read:

8 **12-33-103. State board of chiropractic examiners - subject to**  
9 **termination - repeal of article.** (1) There is hereby created a Colorado  
10 state board of chiropractic examiners, referred to in this article as the  
11 "board", consisting of five members who are citizens of the United States,  
12 four of whom shall have practiced chiropractic in the state of Colorado  
13 for five years prior to their appointment and one of whom shall be  
14 appointed from the public at large. The governor shall appoint members  
15 of the board as follows: ~~One for a five-year term, one for a four-year~~  
16 ~~term, one for a three-year term, one for a two-year term, and one for a~~  
17 ~~one-year term. At the expiration of the term of each board member, a~~  
18 ~~member shall be appointed by the governor for a term of four years. Any~~  
19 board member may be removed by the governor for misconduct,  
20 incompetence, or neglect of duty. No member shall serve more than two  
21 consecutive terms.

22 **Recommendation 6**

23 **SECTION 8.** 12-33-102 (1.5), Colorado Revised Statutes, is  
24 amended to read:

25 **12-33-102. Definitions.** As used in this article, unless the context  
26 otherwise requires:

27 (1.5) "Acupuncture" means ~~the puncture of the skin with fine~~

1 ~~needles for diagnostic and therapeutic purposes~~ A SYSTEM OF HEALTH  
2 CARE BASED UPON TRADITIONAL ORIENTAL MEDICAL CONCEPTS THAT  
3 EMPLOYS ORIENTAL METHODS OF DIAGNOSIS, TREATMENT, AND  
4 ADJUNCTIVE THERAPIES FOR THE PROMOTION, MAINTENANCE, AND  
5 RESTORATION OF HEALTH AND THE PREVENTION OF DISEASE.

6 **Recommendation 7**

7 **SECTION 9.** 12-33-117 (1.5), Colorado Revised Statutes, is  
8 amended to read:

9 **12-33-117. Discipline of licensees - letters of admonition,**  
10 **suspension, revocation, denial, and probation - grounds - fines -**  
11 **guidelines.** (1.5) ~~In lieu of a suspension of a license, the board may~~  
12 ~~impose a fine not to exceed ten~~ IN ADDITION TO ANY OTHER PENALTY  
13 THAT MAY BE IMPOSED PURSUANT TO THIS SECTION, A CHIROPRACTOR  
14 VIOLATING ANY PROVISION OF THIS ARTICLE OR ANY RULE PROMULGATED  
15 PURSUANT TO THIS ARTICLE MAY BE FINED NO LESS THAN \_\_\_\_\_  
16 DOLLARS AND UP TO ONE thousand dollars FOR A FIRST VIOLATION PROVEN  
17 BY THE BOARD AND NO LESS THAN \_\_\_\_\_ DOLLARS AND UP TO FIVE  
18 THOUSAND DOLLARS FOR EACH SUBSEQUENT VIOLATION PROVEN BY THE  
19 BOARD. THE BOARD SHALL ESTABLISH GUIDELINES FOR THE IMPOSITION  
20 OF SUCH FINES. All fines collected pursuant to this subsection (1.5) shall  
21 be transferred to the state treasurer, who shall credit such moneys to the  
22 general fund.

23 **SECTION 10. Applicability.** This act shall apply to acts  
24 occurring on or after the effective date of this act.

25 **SECTION 11. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.