

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

INTRODUCED

LLS NO. 09-0205.01 Thomas Morris

HOUSE BILL 09-1175

HOUSE SPONSORSHIP

Curry,

SENATE SPONSORSHIP

Williams,

House Committees
Health and Human Services

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 necessarily reflect any amendments that may be subsequently adopted.)

Requires naturopathic doctors to be registered, and specifies that the cost of regulation will be covered through registration fees. Creates a task force to study issues related to the practice of naturopathic medicine, including the scope of practice and patient disclosure requirements. Directs the task force to annually report to the general assembly concerning the practice of naturopathic medicine in Colorado for 3 years. Specifies the scope of practice, prohibited practices, and exemptions. Gives the director of the division of registrations within the department of regulatory agencies rule-making authority. Requires

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.

record-keeping and specific disclosures to the public. Specifies complaint, investigation, and disciplinary procedures. Specifies that practicing naturopathic medicine without an active registration for the second or any subsequent offense is a class 6 felony. Makes an appropriation and transfers revenues to the capital construction fund. Repeals the naturopath law in 2014, subject to sunset review.

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 37.7**

5 **Naturopathic Medicine**

6 **12-37.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
7 MAY BE CITED AS THE "NATUROPATHIC PRACTICE ACT".

8 **12-37.7-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "APPROVED NATUROPATHIC MEDICAL PROGRAM" MEANS:

11 (a) A RESIDENTIAL NATUROPATHIC MEDICAL EDUCATION PROGRAM
12 IN THE UNITED STATES PROVIDING THE DEGREE OF DOCTOR OF
13 NATUROPATHY OR DOCTOR OF NATUROPATHIC MEDICINE. SUCH PROGRAM
14 SHALL OFFER GRADUATE-LEVEL, FULL-TIME, DIDACTIC, AND SUPERVISED
15 CLINICAL TRAINING AND SHALL BE ACCREDITED, OR HAVE ACHIEVED
16 CANDIDACY STATUS FOR ACCREDITATION, BY THE COUNCIL ON
17 NATUROPATHIC MEDICAL EDUCATION OR AN EQUIVALENT FEDERALLY
18 RECOGNIZED ACCREDITING BODY FOR NATUROPATHIC MEDICAL
19 PROGRAMS. ADDITIONALLY, THE PROGRAM SHALL BE AN INSTITUTION, OR
20 PART OF AN INSTITUTION, OF HIGHER EDUCATION THAT IS EITHER
21 ACCREDITED OR IS A CANDIDATE FOR ACCREDITATION BY A REGIONAL OR
22 NATIONAL INSTITUTIONAL ACCREDITING AGENCY RECOGNIZED BY THE

1 UNITED STATES SECRETARY OF EDUCATION.

2 (b) A DEGREE-GRANTING COLLEGE OR UNIVERSITY THAT, PRIOR TO
3 THE EXISTENCE OF THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION,
4 REQUIRED COMPLETION OF A RESIDENTIAL, FULL-TIME, STRUCTURED
5 CURRICULUM IN BASIC SCIENCES AND SUPERVISED PATIENT CARE
6 COMPRISING A DOCTORAL NATUROPATHIC MEDICAL EDUCATION. SUCH
7 CURRICULUM, AS A PREREQUISITE TO GRADUATION, SHALL HAVE BEEN AT
8 LEAST ONE HUNDRED THIRTY-TWO WEEKS IN DURATION AND SHALL HAVE
9 REQUIRED AT LEAST THIRTY-FIVE MONTHS TO COMPLETE.

10 (c) A DIPLOMA-GRANTING, DEGREE-EQUIVALENT COLLEGE OR
11 UNIVERSITY THAT, IF IN CANADA AND PRIOR TO ACCREDITATION BY THE
12 COUNCIL ON NATUROPATHIC MEDICAL EDUCATION, HAD PROVINCIAL
13 APPROVAL FOR PARTICIPATION IN GOVERNMENT-FUNDED STUDENT AID
14 PROGRAMS AND REQUIRED COMPLETION OF A RESIDENTIAL, FULL-TIME,
15 STRUCTURED CURRICULUM IN BASIC SCIENCES AND SUPERVISED PATIENT
16 CARE COMPRISING A DOCTORAL NATUROPATHIC MEDICAL EDUCATION.
17 SUCH CURRICULUM, AS A PREREQUISITE TO GRADUATION, SHALL HAVE
18 BEEN AT LEAST ONE HUNDRED THIRTY-TWO WEEKS IN DURATION AND
19 SHALL HAVE REQUIRED AT LEAST THIRTY-FIVE MONTHS TO COMPLETE.

20 (d) A DIPLOMA-GRANTING, DEGREE-EQUIVALENT COLLEGE OR
21 UNIVERSITY IN CANADA THAT REQUIRES RESIDENTIAL, GRADUATE-LEVEL,
22 FULL-TIME, DIDACTIC, AND SUPERVISED CLINICAL TRAINING AND THAT IS
23 ACCREDITED, OR HAS ACHIEVED CANDIDACY STATUS FOR ACCREDITATION,
24 BY THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION, ITS SUCCESSOR,
25 OR AN EQUIVALENT FEDERALLY RECOGNIZED ACCREDITING BODY FOR
26 NATUROPATHIC MEDICAL PROGRAMS. ADDITIONALLY, THIS COLLEGE OR
27 UNIVERSITY SHALL HAVE PROVINCIAL APPROVAL FOR PARTICIPATION IN

1 GOVERNMENT-FUNDED STUDENT AID PROGRAMS.

2 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF REGULATORY
3 AGENCIES.

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

5 (4) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE
6 DEPARTMENT.

7 (5) "NATUROPATHIC MEDICINE" MEANS A SYSTEM OF HEALTH CARE
8 FOR PREVENTION, NATUROPATHIC DIAGNOSIS, AND NATUROPATHIC
9 TREATMENT OF HUMAN HEALTH CONDITIONS, INJURY, AND DISEASE; THE
10 PROMOTION OR RESTORATION OF HEALTH; AND THE SUPPORT AND
11 STIMULATION OF A PATIENT'S INHERENT SELF-HEALING PROCESSES
12 THROUGH PATIENT EDUCATION AND THE USE OF NATUROPATHIC PHYSICAL
13 MODALITIES AND REMEDIES.

14 (6) "NATUROPATHIC MODALITIES" MEANS LIFESTYLE COUNSELING
15 AND THE PHYSICAL FORCES OF HEAT, COLD, WATER, TOUCH, AND LIGHT;
16 EXCEPT THAT SUCH MODALITIES DO NOT INCLUDE THE REVISION,
17 DESTRUCTION, INCISION, OR OTHER STRUCTURAL ALTERATION OF HUMAN
18 TISSUE USING LASER TECHNOLOGY, THE USE OF LASERS, OR PULSE LIGHT
19 DEVICES IDENTIFIED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION
20 AS A CLASS II DEVICE.

21 (7) "NATUROPATHIC REMEDIES" MEANS THE USE OF FOOD,
22 EXTRACTS OF FOOD, NUTRACEUTICALS, VITAMINS, AMINO ACIDS,
23 MINERALS, ENZYMES, BOTANICALS AND THEIR EXTRACTS, HOMEOPATHY,
24 AND ALL DIETARY SUPPLEMENTS. EXCEPT AS PROVIDED IN SECTION
25 12-37.7-107 (1) (a), NATUROPATHIC REMEDIES DO NOT INCLUDE
26 PRESCRIPTION DRUGS.

27 (8) "PRESCRIPTION DRUG" MEANS ANY DRUG DEFINED BY THE

1 "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 353 (b), AS
2 AMENDED, IF ITS LABEL IS REQUIRED TO BEAR THE STATEMENT "RX ONLY".

3 **12-37.7-103. Task force - reports - repeal.** (1) THERE IS
4 HEREBY CREATED A NATUROPATHIC DOCTORS TASK FORCE, REFERRED TO
5 IN THIS ARTICLE AS THE "TASK FORCE", TO CONSIST OF THE DIRECTOR;
6 REPRESENTATIVES FROM THE DEPARTMENT DESIGNATED BY THE
7 EXECUTIVE DIRECTOR OF THE DEPARTMENT; AND EQUAL NUMBERS OF
8 PHYSICIANS LICENSED UNDER PART 1 OF ARTICLE 36 OF THIS TITLE AND
9 NATUROPATHIC DOCTORS APPOINTED BY THE DIRECTOR. IN ORDER FOR
10 THE TASK FORCE TO CONSIDER ADDITIONAL PERSPECTIVES AND EXPERTISE,
11 THE DIRECTOR MAY CONSULT WITH OTHERS, INCLUDING:

- 12 (a) PHARMACISTS, TO OBTAIN INPUT REGARDING THE FORMULARY;
- 13 (b) CHIROPRACTORS AND PHYSICAL THERAPISTS, TO OBTAIN INPUT
14 REGARDING MANIPULATION; AND
- 15 (c) ATTORNEYS, TO OBTAIN INPUT REGARDING MALPRACTICE
16 INSURANCE.

17 (2) THE TASK FORCE SHALL CONSIDER ISSUES CONCERNING THE
18 PRACTICE AND REGULATION OF NATUROPATHIC MEDICINE. THE TASK
19 FORCE SHALL STUDY TRAINING PROGRAMS AND THERAPEUTIC MODALITIES
20 AND REMEDIES USED IN THE PRACTICE OF NATUROPATHIC MEDICINE. THE
21 TASK FORCE SHALL CONSIDER STANDARDS OF PRACTICE AND REPORT ON
22 THE ACCEPTABLE CERTAINTY OF EFFECTIVENESS, EFFICACY, AND SAFETY
23 OF THE PROFESSION, INCLUDING CONSIDERATION OF ANY DEMONSTRATED
24 HARM IN LIGHT OF PEER REVIEWED, PUBLISHED, OR WIDELY VETTED
25 RESEARCH. THE ISSUES CONSIDERED SHALL INCLUDE:

- 26 (a) WHETHER COLORADO SHOULD ESTABLISH A REGULATORY
27 PROGRAM TO OVERSEE THE PRACTICE OF NATUROPATHIC MEDICINE BY

1 NATUROPATHIC DOCTORS;

2 (b) THE QUALIFICATIONS OF NATUROPATHIC DOCTORS AND WHAT
3 SCOPE OF PRACTICE SHOULD GOVERN NATUROPATHIC MEDICINE IN
4 COLORADO;

5 (c) WHETHER NATUROPATHIC DOCTORS SHOULD BE ALLOWED TO
6 PRESCRIBE PRESCRIPTION DRUGS AND, IF SO, UNDER WHAT FORMULARY
7 AND HOW SUCH FORMULARY IS TO BE DETERMINED;

8 (d) WHETHER SPECIFIC DISCLOSURES SHOULD BE PROVIDED TO
9 PATIENTS OF NATUROPATHIC DOCTORS AND, IF SO, WHAT SUCH
10 DISCLOSURES SHOULD CONTAIN;

11 (e) THE TERMS NATUROPATHIC DOCTORS MAY AND MAY NOT USE
12 TO DESCRIBE THEMSELVES AND THE PRACTICE OF NATUROPATHIC
13 MEDICINE;

14 (f) WHETHER, AND IN WHAT INSTANCES, IT WOULD BE BENEFICIAL
15 FOR NATUROPATHIC DOCTORS TO CONSULT OR COLLABORATE WITH
16 PHYSICIANS LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE;

17 (g) WHETHER THERE ARE TREATMENTS PERFORMED BY
18 NATUROPATHIC DOCTORS THAT SHOULD REQUIRE ADDITIONAL
19 CERTIFICATIONS AND WHAT QUALIFICATIONS SHOULD BE REQUIRED TO
20 OBTAIN SUCH CERTIFICATIONS;

21 (h) THE APPROPRIATE AMOUNT OF MALPRACTICE INSURANCE A
22 NATUROPATHIC DOCTOR SHOULD BE REQUIRED TO CARRY; AND

23 (i) WHETHER NATUROPATHIC DOCTORS SHOULD BE ALLOWED TO
24 PERFORM ANY OF THE PROHIBITED ACTS SPECIFIED IN SECTION
25 12-37.7-107.

26 (3) THE TASK FORCE SHALL ISSUE AN ANNUAL REPORT BY
27 JANUARY 1 OF EACH YEAR TO THE JOINT HEALTH AND HUMAN SERVICES

1 COMMITTEE OF THE GENERAL ASSEMBLY, OR ITS SUCCESSOR COMMITTEE,
2 CONCERNING THE ISSUES RAISED BY ENACTMENT OF THIS ARTICLE. THE
3 TASK FORCE SHALL ISSUE A FINAL REPORT NO LATER THAN JANUARY 1,
4 2012.

5 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

6 **12-37.7-104. Title and designation.** (1) A PERSON REGISTERED
7 AS A NATUROPATHIC DOCTOR MAY USE THE TITLE "NATUROPATHIC
8 DOCTOR" OR THE LETTERS "N.D." WHEN ACCOMPANIED BY THE WORDS
9 "NATUROPATHIC DOCTOR". PERSONS REGISTERED UNDER THIS ARTICLE
10 SHALL NOT USE:

11 (a) THE ABBREVIATIONS "NMD" OR "N.M.D.";

12 (b) THE TERM "PHYSICIAN";

13 (c) THE TERM "DOCTOR" UNLESS DIRECTLY PRECEDED BY THE
14 TERM "NATUROPATHIC"; OR

15 (d) THE TERM "NATUROPATHIC MEDICAL DOCTOR".

16 (2) ON AND AFTER JANUARY 1, 2010, ANY PERSON REGISTERED
17 PURSUANT TO SECTION 12-37.7-105 AND OPERATING IN COMPLIANCE WITH
18 THIS ARTICLE SHALL BE EXEMPT FROM ARTICLE 36 OF THIS TITLE.

19 **12-37.7-105. Requirements for registration - renewal -**
20 **reinstatement - fee - violations - fines.** (1) EVERY APPLICANT FOR
21 REGISTRATION TO PRACTICE NATUROPATHIC MEDICINE SHALL HAVE:

22 (a) SUCCESSFULLY COMPLETED AN APPROVED NATUROPATHIC
23 PROGRAM;

24 (b) PASSED A COMPETENCY EXAMINATION ADMINISTERED BY A
25 NATIONAL CERTIFYING AGENCY APPROVED BY THE DIRECTOR AND
26 PROVIDED EVIDENCE TO THE DIRECTOR OF CERTIFICATION;

27 (c) SUBMITTED AN APPLICATION IN THE FORM AND MANNER

1 DESIGNATED BY THE DIRECTOR;

2 (d) PAID A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR; AND

3 (e) SUBMITTED A FORM CONTAINING THE DISCLOSURES REQUIRED
4 BY SECTION 12-37.7-112 THAT THE APPLICANT WILL USE TO COMPLY WITH
5 SECTION 12-37.7-112.

6 (2) WHEN AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF
7 SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL REGISTER AND
8 ISSUE PROOF OF REGISTRATION TO THE APPLICANT UNLESS THE DIRECTOR
9 DETERMINES THAT THE APPLICANT HAS COMMITTED ANY ACT THAT WOULD
10 BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-37.7-109.

11 (3) (a) THE DIRECTOR SHALL REGISTER AN APPLICANT WHO
12 OTHERWISE MEETS THE QUALIFICATIONS OF THIS ARTICLE AND WHO
13 SUBMITS SATISFACTORY PROOF AND CERTIFIES UNDER PENALTY OF
14 PERJURY THAT THE APPLICANT CURRENTLY POSSESSES AN UNRESTRICTED
15 REGISTRATION, CERTIFICATE, OR LICENSE IN GOOD STANDING TO PRACTICE
16 NATUROPATHIC MEDICINE UNDER THE LAWS OF ANOTHER STATE OR
17 TERRITORY OF THE UNITED STATES OR A FOREIGN COUNTRY IF:

18 (I) THE APPLICANT HAS NOT BEEN SUBJECT TO ANY DISCIPLINARY
19 ACTION IN SUCH OTHER STATE, TERRITORY, OR FOREIGN COUNTRY; AND

20 (II) THE APPLICANT HAS ACTIVELY PRACTICED FOR A PERIOD OF
21 TIME DETERMINED BY RULES OF THE DIRECTOR OR OTHERWISE
22 MAINTAINED CONTINUED COMPETENCY AS DETERMINED BY THE DIRECTOR.

23 (b) (I) AN APPLICANT FOR REGISTRATION BY ENDORSEMENT
24 SHALL:

25 (A) FILE AN APPLICATION AND PAY A FEE AS PRESCRIBED BY THE
26 DIRECTOR AND SHALL HOLD A CURRENT, VALID LICENSE OR REGISTRATION
27 IN A JURISDICTION THAT REQUIRES QUALIFICATIONS SUBSTANTIALLY

1 EQUIVALENT TO THOSE REQUIRED FOR REGISTRATION PURSUANT TO
2 SUBSECTION (1) OF THIS SECTION; AND

3 (B) SUBMIT WITH THE APPLICATION A VERIFICATION THAT THE
4 APPLICANT HAS ACTIVELY PRACTICED NATUROPATHIC MEDICINE FOR A
5 PERIOD OF TIME DETERMINED BY RULES OF THE DIRECTOR OR OTHERWISE
6 MAINTAINED CONTINUED COMPETENCY AS DETERMINED BY THE DIRECTOR.

7 (II) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY
8 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE DIRECTOR SHALL REVIEW
9 THE APPLICATION AND MAKE A DETERMINATION OF THE APPLICANT'S
10 QUALIFICATION TO BE REGISTERED BY ENDORSEMENT.

11 (c) THE DIRECTOR MAY DENY A REGISTRATION IF THE APPLICANT
12 HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
13 ACTION UNDER SECTION 12-37.7-109.

14 (4) (a) A NATUROPATHIC DOCTOR SHALL BE REQUIRED TO RENEW
15 A REGISTRATION ISSUED UNDER THIS ARTICLE ACCORDING TO A SCHEDULE
16 OF RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE APPLICANT FOR
17 RENEWAL SHALL SUBMIT AN APPLICATION IN THE FORM AND MANNER
18 DESIGNATED BY THE DIRECTOR AND SHALL PAY A RENEWAL FEE IN AN
19 AMOUNT DETERMINED BY THE DIRECTOR.

20 (b) REGISTRATIONS SHALL BE RENEWED OR REINSTATED IN
21 ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND
22 SUCH RENEWAL OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO
23 SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL
24 FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION
25 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW A REGISTRATION
26 PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE
27 REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE REGISTRATION HAS

1 EXPIRED AND WHO CONTINUES TO PRACTICE NATUROPATHIC MEDICINE
2 SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE.

3 (c) A REGISTRANT SHALL NOTIFY THE DIRECTOR WITHIN THIRTY
4 DAYS OF ANY CHANGE IN THE REGISTRANT'S ADDRESS.

5 (5) ALL FEES COLLECTED UNDER THIS ARTICLE SHALL BE
6 DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS
7 SET FORTH IN SECTION 24-34-105, C.R.S., AND PERIODICALLY ADJUSTED
8 IN ACCORDANCE WITH SECTION 24-75-402, C.R.S.

9 **12-37.7-106. Scope of practice.** A NATUROPATHIC DOCTOR MAY
10 PERFORM AN ASSESSMENT FOR THE PURPOSE OF ESTABLISHING A
11 NATUROPATHIC DIAGNOSIS, USING METHODS CONSISTENT WITH HIS OR HER
12 EDUCATION AND TRAINING, AND TREAT PATIENTS USING NATUROPATHIC
13 MODALITIES AND NATUROPATHIC REMEDIES. A NATUROPATHIC DOCTOR
14 SHALL NOT PROVIDE TREATMENTS BEYOND HIS OR HER EDUCATION OR
15 TRAINING OR IN VIOLATION OF THE PROHIBITIONS SPECIFIED IN SECTION
16 12-37.7-107.

17 **12-37.7-107. Prohibitions.** (1) A NATUROPATHIC DOCTOR SHALL
18 NOT:

19 (a) PRESCRIBE, DISPENSE, OR ADMINISTER PRESCRIPTION DRUGS
20 OTHER THAN VITAMIN B-12 INJECTABLES;

21 (b) PERFORM SURGICAL PROCEDURES;

22 (c) PRACTICE OR CLAIM TO PRACTICE:

23 (I) MEDICINE OTHER THAN NATUROPATHIC MEDICINE; OR

24 (II) AS A PHYSICIAN, DOCTOR OTHER THAN A NATUROPATHIC
25 DOCTOR, MEDICAL DOCTOR, OSTEOPATH, DENTIST, PODIATRIST,
26 OPTOMETRIST, PSYCHOLOGIST, ADVANCED PRACTICE NURSE, PHYSICIAN
27 ASSISTANT, CHIROPRACTOR, PHYSICAL THERAPIST, ACUPUNCTURIST, OR

1 ANY OTHER HEALTH CARE PROFESSIONAL UNLESS LICENSED BY THE STATE
2 AS SUCH;

3 (d) USE ANESTHESIA OTHER THAN TOPICAL ANESTHETICS;

4 (e) ADMINISTER IONIZING RADIATION OR RADIOACTIVE
5 SUBSTANCES;

6 (f) PERFORM CHIROPRACTIC ADJUSTMENTS AS DEFINED IN SECTION
7 12-33-102, MANIPULATION AS REFERENCED IN SECTION 12-33-102, OR
8 PHYSICAL THERAPY AS DEFINED IN SECTION 12-41-103, INCLUDING JOINT
9 MOBILIZATION;

10 (g) PRACTICE OBSTETRICS;

11 (h) RECOMMEND THE DISCONTINUATION OF, OR COUNSEL AGAINST,
12 A COURSE OF CARE INCLUDING, WITHOUT LIMITATION, A PRESCRIPTION
13 DRUG THAT WAS RECOMMENDED OR PRESCRIBED BY ANOTHER HEALTH
14 CARE PRACTITIONER REQUIRED TO BE LICENSED PURSUANT TO THIS TITLE;

15 (i) TREAT CANCER; EXCEPT THAT A NATUROPATHIC DOCTOR MAY
16 TREAT CONCOMITANT CONDITIONS AND THE SYMPTOMS AND SIDE EFFECTS
17 OF CANCER;

18 (j) TREAT A PATIENT WHO INFORMS THE NATUROPATHIC DOCTOR
19 THAT HE OR SHE IS UNDER THE CARE OF A PHYSICIAN LICENSED UNDER
20 ARTICLE 36 OF THIS TITLE UNLESS THE PATIENT IS ADVISED AS PART OF THE
21 DISCLOSURE STATEMENT IN SECTION 12-37.7-112 TO INFORM THE
22 TREATING PHYSICIAN THAT HE OR SHE IS SEEKING TREATMENT FROM A
23 NATUROPATHIC DOCTOR;

24 (k) TREAT MENTAL HEALTH CONDITIONS; COMMUNICABLE
25 DISEASES; NEUROLOGIC CONDITIONS; DIABETES; RENAL CONDITIONS;
26 METABOLIC SYNDROMES; TOXICITY; DISEASES OF THE HEART, LUNGS,
27 CARDIOVASCULAR SYSTEM, OR ENDOCRINE SYSTEM; OR ANY CONDITION

1 FOR WHICH SIGNS OR SYMPTOMS DO NOT IMPROVE BY DOCUMENTED
2 EVIDENCE WITHIN TWENTY-FIVE DAYS UNLESS THE PATIENT IS ADVISED,
3 IN A WRITTEN DOCUMENT SIGNED BY THE PATIENT, TO CONSULT A
4 LICENSED PHYSICIAN;

5 (l) USE CHELATION;

6 (m) TREAT A CHILD WHO IS LESS THAN TWO YEARS OF AGE;

7 (n) TREAT A CHILD TWO YEARS OF AGE OR OLDER, BUT LESS THAN
8 EIGHT YEARS OF AGE UNLESS THE NATUROPATHIC DOCTOR:

9 (I) COMPLIES WITH ALL PUBLIC HEALTH LAWS;

10 (II) PROVIDES TREATMENT ONLY:

11 (A) IN CONSULTATION WITH A MEDICAL DOCTOR LICENSED
12 PURSUANT TO ARTICLE 36 OF THIS TITLE; OR

13 (B) IF THE CHILD'S PARENT OR GUARDIAN SIGNS A WAIVER STATING
14 THAT HE OR SHE REFUSES TO HAVE THE CHILD TREATED IN CONSULTATION
15 WITH A MEDICAL DOCTOR, IN WHICH CASE THE NATUROPATHIC DOCTOR
16 SHALL, IN WRITING, ADVISE THE PARENT OR GUARDIAN THAT THE PARENT
17 OR GUARDIAN IS RESPONSIBLE FOR FOLLOWING ALL APPLICABLE LAWS;

18 AND

19 (III) DOES NOT:

20 (A) PERFORM INVASIVE PROCEDURES;

21 (B) PERFORM ENEMAS;

22 (C) PERFORM DEVELOPMENTAL ASSESSMENTS; OR

23 (D) TREAT CHRONIC MEDICAL PROBLEMS WITHOUT PROVIDING A
24 DISCLOSURE TO THE CHILD'S PARENT OR GUARDIAN PURSUANT TO SECTION
25 12-37.7-112; OR

26 (o) PERFORM COLONIC IRRIGATION.

27 **12-37.7-108. Director - rules.** (1) THE DIRECTOR SHALL:

1 (a) PROMULGATE ALL RULES AND CONDUCT ALL HEARINGS
2 REQUIRED BY THIS ARTICLE;

3 (b) DESIGNATE THE APPLICATION FORM TO BE USED BY
4 APPLICANTS AND PROCESS ALL APPLICATIONS;

5 (c) REGISTER AND RENEW THE REGISTRATIONS OF ALL PERSONS
6 WHO MEET THE QUALIFICATIONS FOR REGISTRATION OR RENEWAL
7 ESTABLISHED IN SECTION 12-37.7-105;

8 (d) INITIATE AND INVESTIGATE COMPLAINTS;

9 (e) DETERMINE WHETHER A NATUROPATHIC DOCTOR SHOULD BE
10 THE SUBJECT OF A DISCIPLINARY HEARING;

11 (f) IMPOSE SANCTIONS AND PENALTIES FOR VIOLATIONS OF THIS
12 ARTICLE OR THE RULES PROMULGATED PURSUANT TO THIS ARTICLE; AND

13 (g) PERFORM ANY ADMINISTRATIVE, NONDISCIPLINARY, AND
14 NONRULE-MAKING FUNCTIONS AS PROVIDED BY THIS ARTICLE.

15 **12-37.7-109. Disciplinary actions - definitions.** (1) THE
16 DIRECTOR SHALL REVOKE, SUSPEND, DENY, OR REFUSE TO RENEW A
17 REGISTRATION OR ISSUE A CEASE-AND-DESIST ORDER TO A NATUROPATHIC
18 DOCTOR OR APPLICANT IN ACCORDANCE WITH THIS SECTION UPON PROOF
19 THAT THE NATUROPATHIC DOCTOR OR APPLICANT:

20 (a) HAS ENGAGED IN A SEXUAL ACT WITH A PERSON RECEIVING
21 SERVICES WHILE A THERAPEUTIC RELATIONSHIP EXISTED OR DURING THE
22 SIX-MONTH PERIOD IMMEDIATELY FOLLOWING TERMINATION OF THE
23 THERAPEUTIC RELATIONSHIP. FOR THE PURPOSES OF THIS PARAGRAPH (a):

24 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,
25 OR SEXUAL PENETRATION, AS SUCH TERMS ARE DEFINED IN SECTION
26 18-3-401, C.R.S.

27 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING

1 WITH THE INITIAL CONSULTATION AND ENDING UPON THE WRITTEN
2 TERMINATION OF TREATMENT.

3 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS
4 ATTEMPTED TO OBTAIN OR HAS OBTAINED A REGISTRATION BY FRAUD,
5 DECEPTION, OR MISREPRESENTATION;

6 (c) IS AN EXCESSIVE OR HABITUAL USER OR ABUSER OF ALCOHOL
7 OR HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED
8 SUBSTANCE, AS DEFINED IN SECTION 18-18-102, C.R.S., OR OTHER DRUGS
9 HAVING SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE
10 DISCRETION NOT TO DISCIPLINE THE NATUROPATHIC DOCTOR IF HE OR SHE
11 IS PARTICIPATING IN GOOD FAITH IN A PROGRAM THAT MEETS THE
12 APPROVAL OF THE DIRECTOR TO END SUCH USE OR ABUSE;

13 (d) HAS A PHYSICAL OR MENTAL CONDITION OR DISABILITY THAT
14 RENDERS THE NATUROPATHIC DOCTOR UNABLE TO PROVIDE
15 NATUROPATHIC MEDICAL SERVICES WITH REASONABLE SKILL AND SAFETY
16 OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF INDIVIDUALS
17 RECEIVING SERVICES;

18 (e) HAS VIOLATED THIS ARTICLE, A RULE ADOPTED UNDER THIS
19 ARTICLE, OR ANY LAWFUL ORDER OF THE DIRECTOR; OR HAS AIDED OR
20 ABETTED OR KNOWINGLY PERMITTED ANY PERSON TO DO SO;

21 (f) HAS BEEN DISCIPLINED BY A REGULATORY AGENCY OF
22 ANOTHER JURISDICTION;

23 (g) HAS BEEN THE SUBJECT OF A DEFERRED PROSECUTION, OR HAS
24 BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO A FELONY
25 OR ANY CRIME DEFINED IN TITLE 18, C.R.S. A CERTIFIED COPY OF THE
26 JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION
27 OR PLEA SHALL BE CONCLUSIVE EVIDENCE OF THE PROSECUTION,

1 CONVICTION, OR PLEA. IN CONSIDERING THE DISCIPLINARY ACTION, THE
2 DIRECTOR SHALL BE GOVERNED BY SECTION 24-5-101, C.R.S.

3 (h) HAS IMPROPERLY:

4 (I) OBTAINED, FURNISHED, OR SOLD ANY:

5 (A) NATUROPATHIC OR NATUROPATHIC MEDICAL DIPLOMA,
6 REGISTRATION, LICENSE, OR CERTIFICATE;

7 (B) RENEWAL OF A REGISTRATION, LICENSE, OR CERTIFICATE; OR

8 (C) RECORD; OR

9 (II) AIDED OR ABETTED ANY ACT SPECIFIED IN SUBPARAGRAPH (I)
10 OF THIS PARAGRAPH (h);

11 (i) HAS FAILED TO NOTIFY THE DIRECTOR OF ANY DISCIPLINARY
12 ACTION IN RELATION TO THE APPLICANT'S PAST OR CURRENTLY HELD
13 LICENSE, CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE
14 NATUROPATHIC MEDICINE IN THIS OR ANY OTHER JURISDICTION;

15 (j) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL
16 EXAMINATION WHEN SO ORDERED BY THE DIRECTOR OR HAS OTHERWISE
17 FAILED TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE, AND TIMELY
18 MANNER TO A COMPLAINT ISSUED BY THE DIRECTOR;

19 (k) HAS FAILED TO COMPLY WITH THE DISCLOSURE REQUIREMENTS
20 OF SECTION 12-37.7-112;

21 (l) HAS FAILED TO RESPOND IN AN HONEST, MATERIALLY
22 RESPONSIVE, AND TIMELY MANNER TO A COMPLAINT ISSUED PURSUANT TO
23 SECTION 12-37.7-111;

24 (m) HAS FAILED TO KEEP APPROPRIATE RECORDS OR HAS FALSIFIED
25 OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON SUCH
26 RECORDS INCLUDING, WITHOUT LIMITATION, WRITTEN PROOF OF ALL
27 NOTICES REQUIRED TO BE PROVIDED UNDER THIS ARTICLE;

1 (n) HAS FAILED TO NOTIFY THE DIRECTOR, IN WRITING, OF THE
2 ENTRY OF A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION
3 IN FAVOR OF ANY PARTY AND AGAINST THE NATUROPATHIC DOCTOR OR
4 ANY SETTLEMENT BY THE NATUROPATHIC DOCTOR IN RESPONSE TO
5 CHARGES OR ALLEGATIONS ARISING FROM OR IN ANY WAY RELATED TO
6 THE NATUROPATHIC DOCTOR'S PRACTICE. THE NOTICE SHALL BE GIVEN
7 WITHIN THIRTY DAYS AFTER ENTRY OF THE JUDGMENT OR SETTLEMENT
8 AND, IN THE CASE OF A JUDGMENT, SHALL CONTAIN THE NAME OF THE
9 COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES TO THE
10 ACTION.

11 (o) HAS USED FALSE, DECEPTIVE, OR MISLEADING ADVERTISING; OR

12 (p) HAS PRACTICED NATUROPATHIC MEDICINE DURING THE TIME
13 THE PERSON'S REGISTRATION WAS EXPIRED, SUSPENDED, OR REVOKED.
14 THE DIRECTOR IS SPECIFICALLY AUTHORIZED TO TAKE DISCIPLINARY
15 ACTION AGAINST A REGISTRANT IF THE DIRECTOR FINDS THAT THE
16 REGISTRANT HAS REPRESENTED HIMSELF OR HERSELF AS A REGISTERED
17 NATUROPATHIC DOCTOR AFTER THE EXPIRATION, SUSPENSION, OR
18 REVOCATION OF SUCH REGISTRATION, UNLESS THE REGISTRANT HAD BEEN
19 REINSTATED WHEN THE REPRESENTATION OCCURRED.

20 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1) OF THIS
21 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE
22 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER
23 SUCH ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF
24 DISCIPLINARY SANCTIONS TO BE IMPOSED.

25 (3) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO
26 DISCIPLINE A NATUROPATHIC DOCTOR WHEN THE DIRECTOR HAS
27 REASONABLE GROUNDS TO BELIEVE THAT THE NATUROPATHIC DOCTOR

1 HAS COMMITTED AN ACT ENUMERATED IN THIS SECTION.

2 (b) SUBJECT TO SECTION 12-37.7-104 (2), IF IN THE COURSE OF AN
3 INVESTIGATION THE DIRECTOR DETERMINES THAT IT IS LIKELY THAT A
4 NATUROPATHIC DOCTOR MAY HAVE VIOLATED ARTICLE 36 OF THIS TITLE
5 OR RULES PROMULGATED PURSUANT TO SUCH ARTICLE, THE DIRECTOR
6 SHALL FORWARD SUCH INFORMATION TO THE BOARD OF MEDICAL
7 EXAMINERS.

8 (4) DISCIPLINARY PROCEEDINGS SHALL BE CONDUCTED IN
9 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND THE HEARING AND
10 OPPORTUNITY FOR REVIEW SHALL BE CONDUCTED PURSUANT TO THAT
11 ARTICLE BY THE DIRECTOR OR BY AN ADMINISTRATIVE LAW JUDGE, AT THE
12 DIRECTOR'S DISCRETION. THE DIRECTOR HAS THE AUTHORITY TO EXERCISE
13 ALL POWERS AND DUTIES CONFERRED BY THIS ARTICLE DURING THE
14 DISCIPLINARY PROCEEDINGS.

15 (5) (a) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO
16 SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO
17 ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS
18 ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS PARAGRAPH (a),
19 THE ATTORNEY GENERAL SHALL NOT BE REQUIRED TO ALLEGE OR PROVE
20 THE INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR
21 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED
22 VIOLATION OF THIS ARTICLE.

23 (b) (I) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND
24 THIS ARTICLE, THE DIRECTOR IS AUTHORIZED TO INVESTIGATE, HOLD
25 HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS RELATED TO THE
26 EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES OF THE
27 DIRECTOR.

1 (II) IN ORDER TO AID THE DIRECTOR IN ANY HEARING OR
2 INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR
3 AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c)
4 OF THIS SUBSECTION (5) IS AUTHORIZED TO ADMINISTER OATHS, TAKE
5 AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE
6 ATTENDANCE OF WITNESSES AND THE PRODUCTION OF THE ORIGINALS OR
7 COPIES OF ALL RECORDS, PAPERS, BOOKS, DOCUMENTS, AND MATERIALS OF
8 THE NATUROPATHIC DOCTOR OR ANOTHER PERSON CONTAINING
9 INFORMATION RELEVANT TO THE HEARING OR INVESTIGATION.

10 (III) UPON FAILURE OF ANY WITNESS OR NATUROPATHIC DOCTOR
11 TO COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE
12 COUNTY IN WHICH THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR
13 RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE DIRECTOR
14 WITH NOTICE TO THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR,
15 MAY ISSUE AN ORDER TO THE PERSON OR NATUROPATHIC DOCTOR
16 REQUIRING HIM OR HER TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE
17 THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR
18 MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER
19 UNDER INVESTIGATION OR IN QUESTION. IF THE PERSON OR
20 NATUROPATHIC DOCTOR FAILS TO OBEY THE ORDER OF THE COURT, HE OR
21 SHE MAY BE HELD IN CONTEMPT OF COURT.

22 (c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE
23 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT
24 HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT SUCH FINDINGS
25 TO THE DIRECTOR.

26 (6) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING
27 AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS

1 TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY
2 PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE
3 IMMUNE FROM SUIT AND LIABILITY IN ANY CIVIL ACTION FOR ACTS
4 OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF,
5 CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS
6 ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE
7 CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE
8 MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE
9 BELIEF THAT THE ACTION TAKEN WAS WARRANTED BY THE FACTS.

10 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A
11 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE
12 PROCEEDING PURSUANT TO THIS SECTION SHALL BE IMMUNE FROM ANY
13 CIVIL OR CRIMINAL SUIT OR LIABILITY THAT OTHERWISE MIGHT RESULT BY
14 REASON OF THE PARTICIPATION.

15 (7) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL
16 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106(11),
17 C.R.S. A JUDICIAL PROCEEDING TO ENFORCE AN ORDER OF THE DIRECTOR
18 MAY BE INSTITUTED IN ACCORDANCE WITH SECTION 24-4-106, C.R.S.

19 (8) AN EMPLOYER OF A NATUROPATHIC DOCTOR SHALL REPORT TO
20 THE DIRECTOR ANY DISCIPLINARY ACTION TAKEN AGAINST THE
21 NATUROPATHIC DOCTOR OR THE RESIGNATION OF THE NATUROPATHIC
22 DOCTOR IN LIEU OF DISCIPLINARY ACTION FOR CONDUCT THAT VIOLATES
23 THIS ARTICLE.

24 (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
25 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
26 WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY
27 A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

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

11 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
12 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10), THE
13 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
14 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE
15 HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND
16 24-4-105, C.R.S.

17 (11) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
18 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
19 A PERSON HAS VIOLATED ANY OTHER PROVISION OF THIS ARTICLE, IN
20 ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE,
21 THE DIRECTOR MAY ISSUE AN ORDER TO THE PERSON TO SHOW CAUSE AS
22 TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE
23 PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR PRACTICE.

24 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
25 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11)
26 SHALL BE NOTIFIED PROMPTLY BY THE DIRECTOR OF THE ISSUANCE OF THE
27 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL

1 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
2 HEARING ON THE ORDER. THE NOTICE MAY BE SERVED ON THE PERSON
3 AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL SERVICE, BY
4 FIRST-CLASS, POSTAGE PREPAID UNITED STATES MAIL, OR IN ANOTHER
5 MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN
6 ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b) SHALL
7 CONSTITUTE NOTICE OF THE ORDER TO THE PERSON.

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

17 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
18 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) DOES
19 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
20 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON
21 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (11) AND SUCH OTHER
22 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS
23 APPROPRIATE. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO
24 SECTIONS 24-4-104 AND 24-4-105, C.R.S. THE DIRECTOR SHALL ISSUE
25 THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION
26 RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND
27 THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF

1 LAW.

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

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

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

- 21 (a) AN UNAUTHORIZED ACT OR PRACTICE;
- 22 (b) AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF:
 - 23 (I) THIS ARTICLE;
 - 24 (II) A RULE PROMULGATED PURSUANT TO THIS ARTICLE; OR
 - 25 (III) AN ORDER ISSUED PURSUANT TO THIS ARTICLE; OR
- 26 (c) AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR
27 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE.

1 (13) IF ANY 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 EXISTS TO BRING,
5 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A
6 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
7 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

8 (14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST
9 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION
10 OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF
11 THIS SECTION.

12 (15) NATUROPATHIC DOCTORS SHALL OBSERVE AND BE SUBJECT
13 TO ALL APPLICABLE LAWS WITH REGARD TO THE CONTROL OF CONTAGIOUS
14 AND INFECTIOUS DISEASES, THE REPORTING OF BIRTHS AND DEATHS, AND
15 ANY OTHER MATTERS PERTAINING TO THE PUBLIC HEALTH.

16 **12-37.7-110. Mental and physical examination of naturopathic**
17 **doctors.** (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT
18 A NATUROPATHIC DOCTOR IS UNABLE TO PRACTICE WITH REASONABLE
19 SKILL AND SAFETY, THE DIRECTOR MAY ORDER THE NATUROPATHIC
20 DOCTOR TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION
21 ADMINISTERED BY A PHYSICIAN OR OTHER LICENSED HEALTH CARE
22 PROFESSIONAL DESIGNATED BY THE DIRECTOR. UNLESS DUE TO
23 CIRCUMSTANCES BEYOND THE NATUROPATHIC DOCTOR'S CONTROL, IF THE
24 NATUROPATHIC DOCTOR REFUSES TO UNDERGO A MENTAL OR PHYSICAL
25 EXAMINATION, THE DIRECTOR MAY SUSPEND THE NATUROPATHIC
26 DOCTOR'S REGISTRATION UNTIL THE RESULTS OF THE EXAMINATION ARE
27 KNOWN AND THE DIRECTOR HAS MADE A DETERMINATION OF THE

1 NATUROPATHIC DOCTOR'S FITNESS TO PRACTICE. THE DIRECTOR SHALL
2 PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL MAKE HIS OR HER
3 DETERMINATION IN A TIMELY MANNER.

4 (2) AN ORDER REQUIRING A NATUROPATHIC DOCTOR TO UNDERGO
5 A MENTAL OR PHYSICAL EXAMINATION SHALL CONTAIN THE BASIS OF THE
6 DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE NATUROPATHIC
7 DOCTOR IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY.
8 FOR PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED UNDER THIS
9 ARTICLE, THE NATUROPATHIC DOCTOR SHALL BE DEEMED TO HAVE
10 WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING
11 PHYSICIAN'S OR OTHER LICENSED HEALTH CARE PROFESSIONAL'S
12 TESTIMONY OR EXAMINATION REPORTS ON THE GROUND THAT THEY ARE
13 PRIVILEGED COMMUNICATIONS.

14 (3) THE NATUROPATHIC DOCTOR MAY SUBMIT TO THE DIRECTOR
15 TESTIMONY OR EXAMINATION REPORTS FROM A PHYSICIAN OR OTHER
16 LICENSED HEALTH CARE PROFESSIONAL CHOSEN BY THE NATUROPATHIC
17 DOCTOR AND PERTAINING TO ANY CONDITION THAT THE DIRECTOR HAS
18 ALLEGED MAY PRECLUDE THE NATUROPATHIC DOCTOR FROM PRACTICING
19 WITH REASONABLE SKILL AND SAFETY. THE TESTIMONY AND REPORTS
20 SUBMITTED BY THE NATUROPATHIC DOCTOR MAY BE CONSIDERED BY THE
21 DIRECTOR IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND
22 EXAMINATION REPORTS FROM THE PHYSICIAN OR OTHER LICENSED HEALTH
23 CARE PROFESSIONAL DESIGNATED BY THE DIRECTOR.

24 (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION
25 ORDERED BY THE DIRECTOR SHALL NOT BE USED AS EVIDENCE IN ANY
26 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR AND SHALL NOT BE
27 DEEMED A PUBLIC RECORD OR MADE AVAILABLE TO THE PUBLIC.

1 **12-37.7-111. Complaints - investigation.** (1) ANY PERSON MAY
2 REPORT TO THE DIRECTOR IN WRITING ANY INFORMATION THE PERSON HAS
3 INDICATING THAT A PERSON HAS VIOLATED THIS ARTICLE.

4 (2) A NATUROPATHIC DOCTOR SHALL REPORT TO THE DIRECTOR IN
5 WRITING ANY INFORMATION THE NATUROPATHIC DOCTOR HAS INDICATING
6 THAT ANOTHER PERSON IS OR MAY BE VIOLATING THIS ARTICLE, WITHIN
7 THIRTY DAYS AFTER BECOMING AWARE OF SUCH INFORMATION.

8 (3) A NATUROPATHIC DOCTOR'S VOLUNTARY RESIGNATION FROM
9 THE STAFF OF A HEALTH CARE INSTITUTION, VOLUNTARY LIMITATION OF
10 STAFF PRIVILEGES, OR FAILURE TO REAPPLY FOR HOSPITAL PRIVILEGES AT
11 SUCH AN INSTITUTION SHALL BE PROMPTLY REPORTED TO THE DIRECTOR
12 BY THE INSTITUTION AND THE NATUROPATHIC DOCTOR IF THAT ACTION
13 OCCURS WHILE THE NATUROPATHIC DOCTOR IS UNDER FORMAL OR
14 INFORMAL INVESTIGATION BY THE INSTITUTION OR A COMMITTEE THEREOF
15 FOR ANY REASON RELATED TO POSSIBLE INCOMPETENCE, UNPROFESSIONAL
16 CONDUCT, OR MENTAL OR PHYSICAL IMPAIRMENT.

17 (4) UPON RECEIVING A COMPLAINT OR REPORT CONCERNING ANY
18 PERSON FOR A VIOLATION OF THIS ARTICLE, OR, ON HIS OR HER OWN
19 MOTION, THE DIRECTOR MAY INVESTIGATE ANY EVIDENCE THAT APPEARS
20 TO SHOW THAT A NATUROPATHIC DOCTOR IS COMMITTING OR HAS
21 COMMITTED ANY ACT THAT WOULD VIOLATE THIS ARTICLE.

22 **12-37.7-112. Disclosures - record-keeping.** (1) A
23 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION
24 IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE DIRECTOR:

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

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

1 (c) THE PROHIBITIONS SPECIFIED IN SECTION 12-37.7-107;

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

4 (e) A STATEMENT THAT NATUROPATHIC DOCTORS ARE NOT
5 PHYSICIANS, HAVE NOT ATTENDED ALLOPATHIC MEDICAL SCHOOL, AND
6 MAY NOT PRACTICE MEDICINE AS DEFINED IN THE "COLORADO MEDICAL
7 PRACTICE ACT", ARTICLE 36 OF THIS TITLE, AND THAT THE DIAGNOSIS AND
8 TREATMENT OF PATIENTS BY NATUROPATHIC DOCTORS IS LIMITED TO USES
9 OF NATUROPATHIC MODALITIES AND NATUROPATHIC REMEDIES;

10 (f) HOW TO FILE A COMPLAINT AGAINST A NATUROPATHIC DOCTOR;
11 AND

12 (g) ANY DEGREES, TRAINING, EXPERIENCE, CREDENTIALS, OR
13 OTHER QUALIFICATIONS OF THE NATUROPATHIC DOCTOR, INCLUDING
14 WHETHER OR NOT SUCH DEGREES WERE AWARDED BY INSTITUTIONS
15 ACCREDITED BY A REGIONAL OR PROFESSIONAL ACCREDITING AGENCY
16 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION OR THE
17 COUNCIL ON POSTSECONDARY ACCREDITATION, OR A SUCCESSOR AGENCY,
18 OR RECOGNIZED AS A CANDIDATE FOR ACCREDITATION BY SUCH AN
19 AGENCY.

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

26 (3) IF A NATUROPATHIC DOCTOR TREATS ANY PATIENT WHO IS
27 UNDER THE CARE OF A LICENSED PHYSICIAN, THE NATUROPATHIC DOCTOR

1 SHALL ADVISE THE PATIENT IN WRITING TO INFORM THE PATIENT'S
2 PHYSICIAN THAT THE PATIENT IS BEING TREATED BY A NATUROPATHIC
3 DOCTOR. IF A PATIENT IS SEEKING TREATMENT FOR CANCER, THE
4 NATUROPATHIC DOCTOR SHALL RECOMMEND TO THE PATIENT THAT THE
5 PATIENT CONSULT WITH A LICENSED PHYSICIAN SPECIALIZING IN
6 ONCOLOGY. IF A PATIENT IS TWO YEARS OF AGE OR OLDER BUT LESS THAN
7 EIGHT YEARS OF AGE AND IS SEEKING TREATMENT FOR A CHRONIC
8 MEDICAL PROBLEM, THE NATUROPATHIC DOCTOR SHALL RECOMMEND TO
9 THE PATIENT'S PARENT OR GUARDIAN THAT HE OR SHE CONSULT WITH A
10 LICENSED PHYSICIAN SPECIALIZING IN PEDIATRICS OR FAMILY MEDICINE.

11 **12-37.7-113. Liability - unlicensed practice.** (1) A
12 NATUROPATHIC DOCTOR SHALL BE LIABLE FOR HIS OR HER ACTS OR
13 OMISSIONS IN THE PERFORMANCE OF NATUROPATHIC MEDICINE.

14 (2) A PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO
15 PRACTICE NATUROPATHIC MEDICINE WITHOUT AN ACTIVE REGISTRATION
16 PURSUANT TO THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND
17 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE
18 FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE
19 PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
20 PROVIDED IN SECTION 18-1.3-401, C.R.S.

21 **12-37.7-114. Repeal of article.** THIS ARTICLE IS REPEALED,
22 EFFECTIVE JULY 1, 2014. PRIOR TO SUCH REPEAL, THE REGISTRATION OF
23 NATUROPATHIC DOCTORS SHALL BE REVIEWED AS PROVIDED FOR IN
24 SECTION 24-34-104, C.R.S.

25 **SECTION 2.** 13-4-102 (2), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

27 **13-4-102. Jurisdiction.** (2) The court of appeals shall have

1 initial jurisdiction to:

2 (II) REVIEW ALL FINAL ACTIONS AND ORDERS APPROPRIATE FOR
3 JUDICIAL REVIEW OF THE DIRECTOR OF THE DIVISION OF REGISTRATIONS AS
4 PROVIDED IN SECTION 12-37.7-109 (8), C.R.S.

5 **SECTION 3.** 24-34-104 (45), Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

7 **24-34-104. General assembly review of regulatory agencies**
8 **and functions for termination, continuation, or reestablishment.**

9 (45) The following agencies, functions, or both, shall terminate on July
10 1, 2014:

11 (h) THE REGISTRATION OF NATUROPATHIC DOCTORS PURSUANT TO
12 ARTICLE 37.7 OF TITLE 12, C.R.S.

13 **SECTION 4. Act subject to petition - effective date -**
14 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
15 following the expiration of the ninety-day period after final adjournment
16 of the general assembly that is allowed for submitting a referendum
17 petition pursuant to article V, section 1 (3) of the state constitution,
18 (August 4, 2009, if adjournment sine die is on May 6, 2009); except that,
19 if a referendum petition is filed against this act or an item, section, or part
20 of this act within such period, then the act, item, section, or part, if
21 approved by the people, shall take effect on the date of the official
22 declaration of the vote thereon by proclamation of the governor.

23 (2) The provisions of this act shall apply to acts occurring on or
24 after the applicable effective date of this act.