

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0055.02 Thomas Morris

HOUSE BILL 08-1064

HOUSE SPONSORSHIP

Labuda, Curry, and McGihon

SENATE SPONSORSHIP

Williams, Gordon, and Romer

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 licensure of naturopathic doctors. Specifies the scope of practice, prohibited practices, and exemptions. Gives the director of the division of registrations within the department of regulatory agencies (director) rule-making authority. Creates a naturopathic formulary council (council) to recommend to the director a formulary for use by naturopathic doctors. Creates an advisory committee (committee). Specifies the composition and appointing authorities for the committee and the council. Establishes licensing standards, including licensure by endorsement. Requires record-keeping and specific disclosures to the

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.

public. Specifies complaint, investigation, and disciplinary procedures.
Repeals the naturopath law in 2012, 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 37.3**

5 **Naturopathic Medicine**

6 **12-37.3-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

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

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

22 (b) A DEGREE-GRANTING COLLEGE OR UNIVERSITY THAT, PRIOR TO
23 THE EXISTENCE OF THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION,
24 OFFERED A FULL-TIME, STRUCTURED CURRICULUM IN BASIC SCIENCES AND
25 SUPERVISED PATIENT CARE COMPRISING A DOCTORAL NATUROPATHIC

1 MEDICAL EDUCATION. SUCH COURSE, AS A PREREQUISITE TO GRADUATION,
2 SHALL HAVE BEEN NOT LESS THAN ONE HUNDRED THIRTY-TWO WEEKS IN
3 DURATION AND SHALL HAVE REQUIRED COMPLETION WITHIN A PERIOD OF
4 NOT LESS THAN THIRTY-FIVE MONTHS.

5 (c) A DIPLOMA-GRANTING, DEGREE-EQUIVALENT COLLEGE OR
6 UNIVERSITY THAT, IF IN CANADA AND PRIOR TO ACCREDITATION BY THE
7 COUNCIL ON NATUROPATHIC MEDICAL EDUCATION, HAD PROVINCIAL
8 APPROVAL FOR PARTICIPATION IN GOVERNMENT-FUNDED STUDENT AID
9 PROGRAMS AND OFFERED A FULL-TIME, STRUCTURED CURRICULUM IN
10 BASIC SCIENCES AND SUPERVISED PATIENT CARE COMPRISING A DOCTORAL
11 NATUROPATHIC MEDICAL EDUCATION. SUCH COURSE, AS A PREREQUISITE
12 TO GRADUATION, SHALL HAVE BEEN NOT LESS THAN ONE HUNDRED
13 THIRTY-TWO WEEKS IN DURATION AND SHALL HAVE REQUIRED
14 COMPLETION WITHIN A PERIOD OF NOT LESS THAN THIRTY-FIVE MONTHS.

15 (d) A DIPLOMA-GRANTING, DEGREE-EQUIVALENT COLLEGE OR
16 UNIVERSITY IN CANADA THAT OFFERS GRADUATE-LEVEL, FULL-TIME,
17 DIDACTIC, AND SUPERVISED CLINICAL TRAINING AND THAT IS ACCREDITED,
18 OR HAS ACHIEVED CANDIDACY STATUS FOR ACCREDITATION, BY THE
19 COUNCIL ON NATUROPATHIC MEDICAL EDUCATION, A SUCCESSOR, OR AN
20 EQUIVALENT FEDERALLY RECOGNIZED ACCREDITING BODY FOR
21 NATUROPATHIC MEDICAL PROGRAMS. ADDITIONALLY, THIS COLLEGE OR
22 UNIVERSITY SHALL HAVE PROVINCIAL APPROVAL FOR PARTICIPATION IN
23 GOVERNMENT-FUNDED STUDENT AID PROGRAMS.

24 (2) "COMMITTEE" MEANS THE ADVISORY COMMITTEE OF
25 NATUROPATHIC MEDICINE CREATED IN SECTION 12-37.3-107.

26 (3) "COMMON DIAGNOSTIC PROCEDURES" MEANS COMMONLY USED
27 DIAGNOSTIC MODALITIES CONSISTENT WITH NATUROPATHIC PRACTICE;

1 HEALTH HISTORY-TAKING; PHYSICAL EXAMINATION; RADIOGRAPHY;
2 LABORATORY MEDICINE; AND OBTAINING SAMPLES OF HUMAN TISSUES,
3 BUT EXCLUDING INCISION OR EXCISION BEYOND THAT WHICH IS
4 AUTHORIZED AS A MINOR OFFICE PROCEDURE.

5 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF REGULATORY
6 AGENCIES.

7 (5) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

8 (6) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE
9 DEPARTMENT.

10 (7) "LABORATORY MEDICINE" MEANS, AS SPECIFIED IN 42 CFR
11 PART 493:

12 (a) ORDERING, BUT NOT PERFORMING OR INTERPRETING, ANY
13 MODERATE- OR HIGH-COMPLEXITY TESTS; AND

14 (b) PERFORMING OR INTERPRETING WAIVED TESTING AFTER FIRST
15 OBTAINING A CERTIFICATE OF WAIVER.

16 (8) "MINOR OFFICE PROCEDURES" MEANS:

17 (a) CARE AND PROCEDURES INCIDENT THERETO OF SUPERFICIAL
18 LACERATIONS, LESIONS, AND ABRASIONS AND THE REMOVAL OF FOREIGN
19 BODIES LOCATED IN SUPERFICIAL STRUCTURES, NOT INCLUDING THE EYE;

20 (b) THE USE OF ANTISEPTICS AND TOPICAL OR LOCAL ANESTHETICS
21 IN CONNECTION THEREWITH; AND

22 (c) INTRAMUSCULAR, INTRAVENOUS, SUBCUTANEOUS, AND
23 INTRADERMAL INJECTIONS OF SUBSTANCES CONSISTENT WITH THE
24 PRACTICE OF NATUROPATHIC MEDICINE AND IN ACCORDANCE WITH RULES
25 ESTABLISHED BY THE DIRECTOR.

26 (9) "NATUROPATHIC DOCTOR", AND ALL DESIGNATIONS LISTED IN
27 SECTION 12-37.3-102, MEANS A PERSON WHO IS REQUIRED TO BE LICENSED

1 PURSUANT TO THIS ARTICLE AS A PRACTITIONER OF NATUROPATHIC
2 MEDICINE.

3 (10) "NATUROPATHIC FORMULARY" MEANS THE LIST OF
4 MEDICINES, BOTH NONPRESCRIPTION AND PRESCRIPTION, THAT
5 NATUROPATHIC DOCTORS USE IN THE PRACTICE OF THEIR PROFESSION, AS
6 RECOMMENDED BY THE NATUROPATHIC FORMULARY COUNCIL AND
7 PROMULGATED BY THE DIRECTOR.

8 (11) "NATUROPATHIC FORMULARY COUNCIL" MEANS THE COUNCIL
9 CREATED IN SECTION 12-37.3-109.

10 (12) "NATUROPATHIC MEDICINE" MEANS A SYSTEM OF PRIMARY
11 HEALTH CARE FOR THE PREVENTION, DIAGNOSIS, AND TREATMENT OF
12 HUMAN HEALTH CONDITIONS, INJURY, AND DISEASE; THE PROMOTION OR
13 RESTORATION OF HEALTH; AND THE SUPPORT AND STIMULATION OF A
14 PATIENT'S INHERENT SELF-HEALING PROCESSES THROUGH PATIENT
15 EDUCATION AND THE USE OF NATUROPATHIC THERAPIES AND THERAPEUTIC
16 SUBSTANCES.

17 (13) "NATUROPATHIC PHYSICAL MODALITIES" MEANS LIFESTYLE
18 COUNSELING AND THE USE OF ULTRASOUND, ELECTRICAL STIMULATION,
19 AND THE PHYSICAL FORCES OF HEAT, COLD WATER, TOUCH, AND LIGHT.

20 (14) "PRESCRIPTION DRUG" MEANS ANY DRUG DEFINED BY THE
21 "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 353 (b), AS
22 AMENDED, IF ITS LABEL IS REQUIRED TO BEAR THE STATEMENT "RX
23 ONLY".

24 (15) "RADIOGRAPHY" MEANS THE ORDERING, BUT NOT THE
25 INTERPRETATION, OF RADIOGRAPHIC DIAGNOSTIC AND OTHER IMAGING
26 STUDIES AND THE TAKING AND INTERPRETATION OF STANDARD
27 RADIOGRAPHS.

1 **12-37.3-102. Title and designation.** (1) A PERSON REPRESENTS
2 HIMSELF OR HERSELF AS A PRACTITIONER OF NATUROPATHIC MEDICINE
3 WHEN HE OR SHE USES OR ADOPTS ANY OF THE FOLLOWING DESIGNATIONS:
4 "DOCTOR OF NATUROPATHIC MEDICINE", "NATUROPATHIC DOCTOR", OR
5 "DOCTOR OF NATUROPATHY". NATUROPATHIC DOCTORS SHALL USE THE
6 TITLE "NATUROPATHIC DOCTOR" AND THE RECOGNIZED ABBREVIATION
7 "N.D." NATUROPATHIC DOCTORS SHALL HAVE THE EXCLUSIVE RIGHT TO
8 USE THE TITLES "NATUROPATHIC DOCTOR", "NATUROPATH", "DOCTOR OF
9 NATUROPATHIC MEDICINE", AND "DOCTOR OF NATUROPATHY". THE
10 ABBREVIATIONS "ND" AND "N.D." DESIGNATE A PERSON LICENSED UNDER
11 THIS ARTICLE AS A NATUROPATHIC DOCTOR; EXCEPT THAT NOTHING IN
12 THIS ARTICLE SHALL PRECLUDE A PERSON HOLDING A NURSING
13 DOCTORATE DEGREE FROM USING THE INITIALS "ND" OR "N.D." TO
14 DESIGNATE SUCH NURSING DOCTORATE DEGREE. PERSONS LICENSED
15 UNDER THIS ARTICLE SHALL NOT USE THE ABBREVIATIONS "NMD" OR
16 "N.M.D." OR THE TERM "NATUROPATHIC MEDICAL DOCTOR".

17 (2) ON AND AFTER JULY 1, 2008, NO PERSON SHALL REPRESENT
18 HIMSELF OR HERSELF TO THE PUBLIC AS A NATUROPATHIC DOCTOR, A
19 DOCTOR OF NATUROPATHIC MEDICINE, OR A DOCTOR OF NATUROPATHY, OR
20 AS BEING OTHERWISE AUTHORIZED TO PRACTICE NATUROPATHIC MEDICINE
21 IN COLORADO, WITHOUT FIRST OBTAINING FROM THE DIRECTOR A LICENSE
22 TO PRACTICE NATUROPATHIC MEDICINE PURSUANT TO THIS ARTICLE.

23 (3) THE TITLES AND ABBREVIATIONS IN THIS SECTION IDENTIFY
24 NATUROPATHIC DOCTORS AND ARE RESTRICTED TO DESCRIBING AND
25 IDENTIFYING LICENSED PRACTITIONERS.

26 **12-37.3-103. Requirements for licensure - reciprocity -**
27 **renewal - reinstatement - fee.** (1) EVERY APPLICANT FOR A LICENSE TO

1 PRACTICE NATUROPATHIC MEDICINE SHALL HAVE:

2 (a) SUCCESSFULLY COMPLETED AN APPROVED NATUROPATHIC
3 MEDICAL PROGRAM;

4 (b) (I) PASSED A COMPETENCY EXAMINATION ADMINISTERED BY
5 A NATIONAL CERTIFYING AGENCY THAT HAS BEEN APPROVED BY THE
6 DIRECTOR AFTER CONSULTATION WITH THE COMMITTEE AND PROVIDED
7 EVIDENCE OF CURRENT CERTIFICATION BY THE AGENCY; OR

8 (II) PASSED A COMPETENCY EXAMINATION DEVELOPED AND
9 ADMINISTERED BY THE DIRECTOR AFTER CONSULTATION WITH THE
10 COMMITTEE;

11 (c) SUBMITTED AN APPLICATION IN THE FORM AND MANNER
12 DESIGNATED BY THE DIRECTOR; AND

13 (d) PAID A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

14 (2) WHEN AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF
15 SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL ISSUE A LICENSE
16 TO THE APPLICANT UNLESS THE DIRECTOR DETERMINES THAT THE
17 APPLICANT HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR
18 DISCIPLINARY ACTION UNDER SECTION 12-37.3-110.

19 (3) (a) THE DIRECTOR SHALL ISSUE A LICENSE TO PRACTICE
20 NATUROPATHIC MEDICINE TO AN APPLICANT WHO OTHERWISE MEETS THE
21 QUALIFICATIONS OF THIS ARTICLE AND WHO SUBMITS SATISFACTORY
22 PROOF AND CERTIFIES UNDER PENALTY OF PERJURY THAT THE APPLICANT
23 CURRENTLY POSSESSES AN UNRESTRICTED CERTIFICATE OR LICENSE IN
24 GOOD STANDING TO PRACTICE NATUROPATHIC MEDICINE UNDER THE LAWS
25 OF ANOTHER STATE OR TERRITORY OF THE UNITED STATES OR A FOREIGN
26 COUNTRY IF:

27 (I) THE DIRECTOR DETERMINES THAT THE QUALIFICATIONS FOR

1 LICENSURE OR CERTIFICATION IN THE OTHER STATE, TERRITORY, OR
2 FOREIGN COUNTRY ARE SUBSTANTIALLY EQUIVALENT TO THE LICENSURE
3 REQUIREMENTS IN THIS ARTICLE; AND

4 (II) THE APPLICANT HAS NOT BEEN SUBJECT TO A DISCIPLINARY
5 ACTION WITH REGARD TO THE APPLICANT'S NATUROPATHIC MEDICINE
6 CERTIFICATE OR LICENSE ISSUED BY THE OTHER STATE, TERRITORY, OR
7 FOREIGN COUNTRY.

8 (b) THE DIRECTOR MAY DENY A LICENSE IF THE APPLICANT HAS
9 COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
10 ACTION UNDER SECTION 12-37.3-110.

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

17 (b) LICENSES SHALL BE RENEWED OR REINSTATED IN ACCORDANCE
18 WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND SUCH RENEWAL
19 OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO SECTION 24-34-102
20 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND
21 DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION
22 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE
23 PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE
24 LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED AND
25 WHO CONTINUES TO PRACTICE NATUROPATHIC MEDICINE SHALL BE
26 SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION
27 24-34-102 (8), C.R.S.

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

5 (6) A PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO
6 PRACTICE NATUROPATHIC MEDICINE WITHOUT AN ACTIVE LICENSE ISSUED
7 UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE
8 PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST
9 OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE
10 PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
11 PROVIDED IN SECTION 18-1.3-401, C.R.S.

12 **12-37.3-104. Scope of practice.** (1) A NATUROPATHIC DOCTOR
13 MAY ORDER OR PERFORM COMMON DIAGNOSTIC PROCEDURES, MINOR
14 OFFICE PROCEDURES, AND RADIOGRAPHY. A NATUROPATHIC DOCTOR MAY
15 ALSO PERFORM PHYSICAL EXAMINATIONS.

16 (2) A NATUROPATHIC DOCTOR SHALL REFER ALL DIAGNOSTIC
17 TESTS, OTHER THAN THOSE SPECIFIED IN SUBSECTION (1) OF THIS SECTION,
18 FOR PERFORMANCE AND INTERPRETATION TO A LABORATORY CERTIFIED
19 TO PERFORM MODERATE- AND HIGH-COMPLEXITY TESTING AS SPECIFIED IN
20 42 CFR PART 493.

21 (3) A NATUROPATHIC DOCTOR MAY DISPENSE, ADMINISTER,
22 ORDER, AND PRESCRIBE OR PERFORM THE FOLLOWING:

23 (a) FOOD, EXTRACTS OF FOOD, NUTRACEUTICALS, VITAMINS,
24 AMINO ACIDS, MINERALS, ENZYMES, BOTANICALS AND THEIR EXTRACTS,
25 HOMEOPATHIC MEDICINES, ALL DIETARY SUPPLEMENTS, AND DRUGS THAT
26 ARE NOT PRESCRIPTION DRUGS AS DEFINED BY THE "FEDERAL FOOD,
27 DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 353 (b), AS AMENDED;

- 1 (b) PRESCRIPTION SUBSTANCES AS DETERMINED BY THE DIRECTOR;
- 2 (c) DEVICES, INCLUDING, BUT NOT LIMITED TO, THERAPEUTIC
- 3 DEVICES, BARRIER CONTRACEPTION, AND DURABLE MEDICAL EQUIPMENT;
- 4 (d) HEALTH EDUCATION AND HEALTH COUNSELING;
- 5 (e) REPAIR AND CARE INCIDENTAL TO SUPERFICIAL LACERATIONS
- 6 AND ABRASIONS;
- 7 (f) REMOVAL OF FOREIGN BODIES LOCATED IN THE SUPERFICIAL
- 8 STRUCTURES, NOT INCLUDING THE EYE; AND
- 9 (g) NATUROPATHIC PHYSICAL MODALITIES.

10 (4) A NATUROPATHIC DOCTOR MAY UTILIZE ROUTES OF
11 ADMINISTRATION, INCLUDING ORAL, NASAL, AURICULAR, OCULAR, RECTAL,
12 VAGINAL, TRANSDERMAL, INTRADERMAL, SUBCUTANEOUS, INTRAVENOUS,
13 AND INTRAMUSCULAR, CONSISTENT WITH THE EDUCATION AND TRAINING
14 OF A NATUROPATHIC DOCTOR.

15 **12-37.3-105. Prohibitions.** (1) A NATUROPATHIC DOCTOR SHALL
16 NOT:

- 17 (a) PRESCRIBE, DISPENSE, OR ADMINISTER ANY CONTROLLED
- 18 SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL "CONTROLLED
- 19 SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET SEQ., AS AMENDED, EXCEPT AS
- 20 AUTHORIZED BY THIS ARTICLE;
- 21 (b) PERFORM SURGICAL PROCEDURES, INCLUDING PROCEDURES
- 22 USING A LASER DEVICE OR PROCEDURES INVOLVING THE EYE, EAR,
- 23 TENDONS, NERVES, VEINS, OR ARTERIES EXTENDING BEYOND SUPERFICIAL
- 24 TISSUE, EXCEPT THOSE MINOR OFFICE PROCEDURES AUTHORIZED BY THIS
- 25 ARTICLE;
- 26 (c) PRACTICE OR CLAIM TO PRACTICE AS A PHYSICIAN, MEDICAL
- 27 DOCTOR, OSTEOPATH, DENTIST, PODIATRIST, OPTOMETRIST,

1 PSYCHOLOGIST, ADVANCED PRACTICE NURSE, PHYSICIAN ASSISTANT,
2 CHIROPRACTOR, PHYSICAL THERAPIST, ACUPUNCTURIST, OR ANY OTHER
3 HEALTH CARE PROFESSIONAL NOT AUTHORIZED IN THIS TITLE UNLESS
4 LICENSED BY THE STATE AS SUCH;

5 (d) USE ANESTHESIA OTHER THAN TOPICAL OR LOCAL
6 ANESTHETICS;

7 (e) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR
8 THERAPEUTIC PURPOSES;

9 (f) PERFORM CHIROPRACTIC ADJUSTMENTS AS DEFINED IN SECTION
10 12-33-102, MANIPULATION AS REFERENCED IN SECTION 12-33-102, OR
11 PHYSICAL THERAPY AS DEFINED IN SECTION 12-41-103, INCLUDING JOINT
12 MOBILIZATION;

13 (g) PRACTICE OBSTETRICS; OR

14 (h) RECOMMEND THE DISCONTINUATION OF A COURSE OF CARE,
15 INCLUDING DISCONTINUATION OF A PRESCRIPTION DRUG, THAT WAS
16 RECOMMENDED BY ANOTHER HEALTH CARE PRACTITIONER REQUIRED TO
17 BE LICENSED PURSUANT TO THIS TITLE WITHOUT NOTIFYING SUCH OTHER
18 PRACTITIONER.

19 **12-37.3-106. Exemptions.** (1) NOTHING IN THIS ARTICLE SHALL
20 BE CONSTRUED TO PROHIBIT OR RESTRICT:

21 (a) THE PRACTICE OF A PROFESSION BY INDIVIDUALS WHO ARE
22 LICENSED, CERTIFIED, OR REGISTERED UNDER OTHER LAWS OF THIS STATE
23 AND WHO ARE PERFORMING SERVICES WITHIN THEIR AUTHORIZED SCOPE
24 OF PRACTICE;

25 (b) THE PRACTICE OF NATUROPATHIC MEDICINE BY AN INDIVIDUAL
26 EMPLOYED BY THE UNITED STATES GOVERNMENT WHILE THE INDIVIDUAL
27 IS ENGAGED IN THE PERFORMANCE OF DUTIES PRESCRIBED BY THE LAWS

1 AND REGULATIONS OF THE UNITED STATES;

2 (c) THE PRACTICE OF NATUROPATHIC MEDICINE BY STUDENTS
3 ENROLLED IN AN APPROVED NATUROPATHIC MEDICAL PROGRAM. THE
4 PERFORMANCE OF SERVICES SHALL BE PURSUANT TO A COURSE OF
5 INSTRUCTION OR ASSIGNMENTS FROM AN INSTRUCTOR AND UNDER THE
6 SUPERVISION OF THE INSTRUCTOR. THE INSTRUCTOR SHALL BE A
7 NATUROPATHIC DOCTOR LICENSED PURSUANT TO THIS ARTICLE OR A DULY
8 LICENSED OR CERTIFIED PROFESSIONAL IN THE INSTRUCTED FIELD.

9 (d) ANYONE FROM TREATING HIMSELF OR HERSELF OR THE
10 PERSON'S FAMILY BASED ON RELIGIOUS OR HEALTH BELIEFS;

11 (e) ANYONE WHO SELLS VITAMINS AND HERBS FROM PROVIDING
12 INFORMATION ABOUT SUCH PRODUCTS;

13 (f) ANY PERSON OR PRACTITIONER FROM RECOMMENDING ANY
14 THERAPY THAT IS WITHIN THE SCOPE OF PRACTICE OF NATUROPATHIC
15 DOCTORS AS SPECIFIED IN THIS ARTICLE IF SUCH THERAPY DOES NOT
16 OTHERWISE REQUIRE A LICENSE, CERTIFICATE, OR REGISTRATION OR, IF A
17 LICENSED HEALTH CARE PROVIDER, WITHIN THAT PROVIDER'S LEGALLY
18 DEFINED SCOPE OF PRACTICE, INCLUDING, BUT NOT LIMITED TO, HERBAL
19 MEDICINE, HOMEOPATHY, NUTRITION, OR OTHER THERAPY;

20 (g) A PERSON OR PRACTITIONER FROM USING, GIVING, PROVIDING,
21 SELLING, OR ADVISING IN THE USE OF A PRODUCT THAT IS WITHIN THE
22 SCOPE OF THE PRACTICE OF NATUROPATHY AS SPECIFIED IN THIS ARTICLE
23 IF SUCH PERSON IS NOT USING A TITLE PROTECTED PURSUANT TO THIS
24 ARTICLE OR HOLDING HIMSELF OR HERSELF OUT TO BE A NATUROPATHIC
25 DOCTOR, INCLUDING, BUT NOT LIMITED TO, GENERAL NUTRITIONAL
26 INFORMATION OR OTHER NONMEDICAL THERAPEUTICS, DIETARY
27 SUPPLEMENTS, OR HOMEOPATHIC REMEDIES; OR

1 (h) THE PRACTICE OF NATUROPATHIC MEDICINE BY A PERSON WHO
2 IS LICENSED OR CERTIFIED TO PRACTICE IN ANY OTHER STATE OR DISTRICT
3 IN THE UNITED STATES AS A NATUROPATHIC DOCTOR AND WHO ENTERS
4 THIS STATE ON AN OCCASIONAL BASIS TO CONSULT WITH A NATUROPATHIC
5 DOCTOR OF THIS STATE; EXCEPT THAT THE CONSULTATION SHALL BE
6 LIMITED TO EXAMINATION, RECOMMENDATION, OR TESTIMONY IN
7 LITIGATION.

8 **12-37.3-107. Advisory committee of naturopathic medicine.**

9 THE DIRECTOR SHALL APPOINT AN ADVISORY COMMITTEE OF
10 NATUROPATHIC MEDICINE TO MAKE RECOMMENDATIONS CONCERNING
11 NATUROPATHIC MEDICINE, WHICH COMMITTEE SHALL SERVE AT THE
12 REQUEST AND PLEASURE OF THE DIRECTOR. THE MAJORITY OF THE
13 MEMBERS OF THE ADVISORY COMMITTEE SHALL BE NATUROPATHIC
14 DOCTORS. THE DIRECTOR MAY APPOINT TO THE COMMITTEE
15 REPRESENTATIVES OF THE PUBLIC WHO HAVE NO PECUNIARY INTEREST IN
16 THE PRACTICE OF NATUROPATHIC MEDICINE. MEMBERS OF THE
17 COMMITTEE SHALL RECEIVE NO COMPENSATION BUT SHALL BE
18 REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
19 PERFORMANCE OF THEIR DUTIES UNDER THIS ARTICLE.

20 **12-37.3-108. Powers and duties of the director - rules.** (1) THE

21 DIRECTOR SHALL:

22 (a) PROMULGATE ALL RULES AND CONDUCT ALL HEARINGS
23 REQUIRED BY THIS ARTICLE;

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

26 (c) ISSUE LICENSES, AND RENEWALS THEREOF, TO ALL PERSONS
27 WHO MEET THE QUALIFICATIONS FOR LICENSURE AS DESCRIBED IN SECTION

1 12-37.3-103;

2 (d) INVESTIGATE COMPLAINTS;

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

5 (f) DESIGNATE AND IMPOSE SANCTIONS AND PENALTIES FOR
6 VIOLATION OF THIS ARTICLE OR THE RULES PROMULGATED PURSUANT TO
7 THIS ARTICLE; AND

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

10 **12-37.3-109. Naturopathic formulary council - creation -**

11 **director - rules.** (1) (a) THERE IS HEREBY ESTABLISHED A
12 NATUROPATHIC FORMULARY COUNCIL, WHICH SHALL CONSIST OF THE
13 DIRECTOR AND SIX MEMBERS APPOINTED BY THE DIRECTOR AS FOLLOWS:

14 (I) TWO MEMBERS SHALL BE NATUROPATHIC DOCTORS.

15 (II) TWO MEMBERS SHALL BE PHARMACISTS LICENSED UNDER PART
16 1 OF ARTICLE 22 OF THIS TITLE.

17 (III) TWO MEMBERS SHALL BE PHYSICIANS LICENSED UNDER PART
18 1 OF ARTICLE 36 OF THIS TITLE.

19 (b) MEMBERS OF THE COUNCIL SHALL SERVE THREE-YEAR TERMS;
20 EXCEPT THAT, OF THE INITIAL APPOINTMENTS, ONE NATUROPATHIC
21 DOCTOR, ONE PHYSICIAN, AND ONE PHARMACIST SHALL SERVE TWO-YEAR
22 TERMS. IF A VACANCY OCCURS, THE DIRECTOR SHALL APPOINT A
23 QUALIFIED REPLACEMENT TO SERVE THE REMAINDER OF THE TERM.

24 (2) THE NATUROPATHIC FORMULARY COUNCIL SHALL RECOMMEND
25 TO THE DIRECTOR A NATUROPATHIC FORMULARY FOR USE BY
26 NATUROPATHIC DOCTORS. THE DIRECTOR SHALL ADOPT OR REVISE THE
27 NATUROPATHIC FORMULARY BY RULE.

1 (3) THE NATUROPATHIC FORMULARY COUNCIL SHALL REVIEW THE
2 NATUROPATHIC FORMULARY ANNUALLY OR UPON REQUEST OF THE
3 DIRECTOR.

4 (4) THE NATUROPATHIC FORMULARY MAY NOT GO BEYOND THE
5 SCOPE OF NATUROPATHIC MEDICINE SET FORTH IN SECTION 12-37.3-104.

6 (5) THE NATUROPATHIC FORMULARY SHALL NOT INCLUDE
7 MEDICINES OR DEVICES THAT ARE INCONSISTENT WITH THE TRAINING
8 PROVIDED BY APPROVED NATUROPATHIC MEDICAL PROGRAMS.

9 (6) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO ALLOW A
10 NATUROPATHIC DOCTOR TO DISPENSE, ADMINISTER, OR PRESCRIBE ANY
11 DRUG OR DEVICE UNLESS SUCH DRUG OR DEVICE IS SPECIFICALLY
12 INCLUDED IN THE NATUROPATHIC FORMULARY.

13 **12-37.3-110. Disciplinary actions - definitions.** (1) THE
14 DIRECTOR MAY REVOKE, SUSPEND, DENY, OR REFUSE TO RENEW A LICENSE,
15 PLACE A NATUROPATHIC DOCTOR ON PROBATION, OR ISSUE A
16 CEASE-AND-DESIST ORDER OR LETTER OF ADMONITION TO A
17 NATUROPATHIC DOCTOR OR APPLICANT IN ACCORDANCE WITH THIS
18 SECTION UPON PROOF THAT THE NATUROPATHIC DOCTOR OR APPLICANT:

19 (a) HAS COMMITTED AN ACT THAT DOES NOT MEET GENERALLY
20 ACCEPTED STANDARDS OF NATUROPATHIC MEDICAL PRACTICE OR HAS
21 FAILED TO PERFORM AN ACT NECESSARY TO MEET GENERALLY ACCEPTED
22 STANDARDS OF NATUROPATHIC MEDICAL PRACTICE;

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

27 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,

1 OR SEXUAL PENETRATION, AS SUCH TERMS ARE DEFINED IN SECTION
2 18-3-401, C.R.S.

3 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING
4 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN
5 TERMINATION OF TREATMENT.

6 (c) HAS FAILED TO PROVIDE A REFERRAL TO ANOTHER
7 NATUROPATHIC DOCTOR OR TO OTHER APPROPRIATE HEALTH CARE
8 PRACTITIONERS WHEN PROVIDING THE REFERRAL IS NECESSARY TO MEET
9 GENERALLY ACCEPTED STANDARDS OF NATUROPATHIC MEDICAL
10 PRACTICE;

11 (d) HAS FAILED TO REFER A PERSON TO AN APPROPRIATE LICENSED
12 HEALTH CARE PROVIDER WHEN THE SERVICES REQUIRED ARE BEYOND THE
13 SCOPE OF PRACTICE OR LEVEL OF COMPETENCE OF THE NATUROPATHIC
14 DOCTOR;

15 (e) HAS FAILED TO PROVIDE ADEQUATE OR PROPER SUPERVISION
16 TO STUDENT NATUROPATHIC DOCTORS ACTING UNDER THE DIRECTION OF
17 THE NATUROPATHIC DOCTOR;

18 (f) HAS FAILED TO KEEP APPROPRIATE RECORDS OR HAS FALSIFIED
19 OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON SUCH
20 RECORDS;

21 (g) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS
22 ATTEMPTED TO OBTAIN OR HAS OBTAINED A LICENSE BY FRAUD,
23 DECEPTION, OR MISREPRESENTATION;

24 (h) IS AN EXCESSIVE OR HABITUAL USER OR ABUSER OF ALCOHOL
25 OR HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED
26 SUBSTANCE, AS DEFINED IN SECTION 18-18-102, C.R.S., OR OTHER DRUGS
27 HAVING SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE

1 DISCRETION NOT TO DISCIPLINE THE NATUROPATHIC DOCTOR IF HE OR SHE
2 IS PARTICIPATING IN GOOD FAITH IN A PROGRAM THAT THE DIRECTOR HAS
3 APPROVED TO END SUCH USE OR ABUSE;

4 (i) HAS A PHYSICAL OR MENTAL CONDITION OR DISABILITY THAT
5 RENDERS THE NATUROPATHIC DOCTOR UNABLE TO PROVIDE
6 NATUROPATHIC MEDICAL SERVICES WITH REASONABLE SKILL AND SAFETY
7 OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF INDIVIDUALS
8 RECEIVING SERVICES;

9 (j) HAS FAILED TO NOTIFY THE DIRECTOR, IN WRITING, OF THE
10 ENTRY OF A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION
11 IN FAVOR OF ANY PARTY AND AGAINST THE NATUROPATHIC DOCTOR FOR
12 MALPRACTICE OF NATUROPATHIC MEDICINE OR ANY SETTLEMENT BY THE
13 NATUROPATHIC DOCTOR IN RESPONSE TO CHARGES OR ALLEGATIONS OF
14 MALPRACTICE OF NATUROPATHIC MEDICINE. THE NOTICE SHALL BE GIVEN
15 WITHIN NINETY DAYS AFTER THE ENTRY OF THE JUDGMENT OR
16 SETTLEMENT AND, IN THE CASE OF A JUDGMENT, SHALL CONTAIN THE
17 NAME OF THE COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES
18 TO THE ACTION.

19 (k) HAS VIOLATED THIS ARTICLE OR AIDED OR ABETTED OR
20 KNOWINGLY PERMITTED ANY PERSON TO VIOLATE THIS ARTICLE, A RULE
21 ADOPTED UNDER THIS ARTICLE, OR ANY LAWFUL ORDER OF THE DIRECTOR;

22 (l) HAS BEEN DISCIPLINED IN ANY WAY BY A NATIONAL CERTIFYING
23 AGENCY OR BY A REGULATORY AGENCY OF ANOTHER JURISDICTION;

24 (m) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO
25 CONTENDERE TO A FELONY OR ANY CRIME DEFINED IN TITLE 18, C.R.S.,
26 THAT RELATES TO THE NATUROPATHIC DOCTOR'S EMPLOYMENT AS A
27 NATUROPATHIC DOCTOR. A CERTIFIED COPY OF THE JUDGMENT OF A

1 COURT OF COMPETENT JURISDICTION OF THE CONVICTION OR PLEA SHALL
2 BE PRIMA FACIE EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING
3 THE DISCIPLINARY ACTION, THE DIRECTOR SHALL BE GOVERNED BY
4 SECTION 24-5-101, C.R.S.

5 (n) HAS FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD ANY
6 NATUROPATHIC MEDICAL DIPLOMA, LICENSE, CERTIFICATE, RENEWAL OF
7 A LICENSE OR CERTIFICATE, OR RECORD OR AIDED OR ABETTED SUCH ACT;

8 (o) HAS ADVERTISED, REPRESENTED, OR HELD HIMSELF OR
9 HERSELF OUT, IN ANY MANNER, AS BEING A NATUROPATHIC DOCTOR OR
10 BEING STATE- OR COLORADO-LICENSED OR HAS PRACTICED
11 NATUROPATHIC MEDICINE UNLESS LICENSED OR EXEMPT UNDER THIS
12 ARTICLE;

13 (p) HAS PRACTICED NATUROPATHIC MEDICINE DURING THE TIME
14 THE PERSON'S LICENSE WAS EXPIRED, SUSPENDED, OR REVOKED;

15 (q) HAS KNOWINGLY EMPLOYED A PERSON AS A NATUROPATHIC
16 DOCTOR WHEN THE PERSON WAS NOT LICENSED UNDER THIS ARTICLE;

17 (r) HAS PRACTICED NATUROPATHIC MEDICINE WITHOUT A LICENSE;

18 (s) HAS FAILED TO NOTIFY THE DIRECTOR OF THE SUSPENSION,
19 PROBATION, OR REVOCATION OF THE PERSON'S PAST OR CURRENTLY HELD
20 LICENSE, CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE
21 NATUROPATHIC MEDICINE IN THIS OR ANY OTHER JURISDICTION;

22 (t) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL
23 EXAMINATION WHEN SO ORDERED BY THE DIRECTOR;

24 (u) HAS FAILED TO CONFINE HIS OR HER PRACTICE TO THE TYPES OF
25 NATUROPATHIC MEDICINE FOR WHICH HE OR SHE WAS TRAINED AND
26 EDUCATED; OR

27 (v) HAS BEEN DISCIPLINED IN ANOTHER STATE, TERRITORY, OR

1 COUNTRY. THIS PARAGRAPH (v) SHALL APPLY ONLY TO DISCIPLINE THAT
2 IS BASED UPON AN ACT OR OMISSION IN SUCH OTHER STATE, TERRITORY,
3 OR COUNTRY THAT IS SUBSTANTIALLY THE SAME AS CONDUCT SPECIFIED
4 IN THIS SUBSECTION (1).

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

10 (3) THE DIRECTOR MAY COMMENCE A PROCEEDING TO DISCIPLINE
11 A NATUROPATHIC DOCTOR WHEN THE DIRECTOR HAS REASONABLE
12 GROUNDS TO BELIEVE THAT THE NATUROPATHIC DOCTOR HAS COMMITTED
13 AN ACT ENUMERATED IN THIS SECTION.

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

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

1 VIOLATION OF THIS ARTICLE.

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

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

16 (III) UPON FAILURE OF ANY WITNESS OR NATUROPATHIC DOCTOR
17 TO COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE
18 COUNTY IN WHICH THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR
19 RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE DIRECTOR
20 WITH NOTICE TO THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR,
21 MAY ISSUE TO THE PERSON OR NATUROPATHIC DOCTOR AN ORDER
22 REQUIRING THAT PERSON OR NATUROPATHIC DOCTOR TO APPEAR BEFORE
23 THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS,
24 DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE
25 EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION.
26 IF THE PERSON OR NATUROPATHIC DOCTOR FAILS TO OBEY THE ORDER OF
27 THE COURT, THE PERSON OR NATUROPATHIC DOCTOR MAY BE HELD IN

1 CONTEMPT OF COURT.

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

6 (6) IF THE DIRECTOR FINDS THE CHARGES PROVED AND ORDERS
7 THAT DISCIPLINE BE IMPOSED, THE DIRECTOR MAY REQUIRE, AS A
8 CONDITION OF LICENSURE, THAT THE NATUROPATHIC DOCTOR TAKE SUCH
9 THERAPY OR COURSES OF TRAINING OR EDUCATION AS MAY BE NEEDED TO
10 CORRECT ANY DEFICIENCY FOUND AS A CONDITION FOR CONTINUING OR
11 REINSTATING LICENSURE PURSUANT TO THIS ARTICLE. UPON THE FAILURE
12 OF THE NATUROPATHIC DOCTOR TO COMPLY WITH ANY CONDITIONS
13 IMPOSED BY THE DIRECTOR PURSUANT TO THIS SUBSECTION (6), UNLESS
14 DUE TO CONDITIONS BEYOND THE NATUROPATHIC DOCTOR'S CONTROL, THE
15 DIRECTOR MAY ORDER SUSPENSION OF THE NATUROPATHIC DOCTOR'S
16 LICENSE UNTIL SUCH TIME AS THE NATUROPATHIC DOCTOR COMPLIES WITH
17 SUCH CONDITIONS.

18 (7) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING
19 AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS
20 TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY
21 PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE
22 IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR
23 HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS
24 DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH
25 INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER
26 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE
27 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE

1 REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS
2 WARRANTED BY THE FACTS.

3 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A
4 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE
5 PROCEEDING PURSUANT TO THIS SECTION SHALL BE IMMUNE FROM ANY
6 CIVIL OR CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON
7 OF THE PARTICIPATION.

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

12 (9) AN EMPLOYER OF A NATUROPATHIC DOCTOR SHALL REPORT TO
13 THE DIRECTOR ANY DISCIPLINARY ACTION TAKEN AGAINST THE
14 NATUROPATHIC DOCTOR OR THE RESIGNATION OF THE NATUROPATHIC
15 DOCTOR IN LIEU OF DISCIPLINARY ACTION FOR CONDUCT THAT VIOLATES
16 THIS ARTICLE.

17 (10) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
18 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
19 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
20 BE DISMISSED AS BEING WITHOUT MERIT, THE DIRECTOR MAY ISSUE A
21 LETTER OF ADMONITION TO THE NATUROPATHIC DOCTOR BY CERTIFIED
22 MAIL.

23 (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A
24 NATUROPATHIC DOCTOR, THE NATUROPATHIC DOCTOR SHALL BE ADVISED
25 THAT HE OR SHE HAS THE RIGHT TO REQUEST THAT FORMAL DISCIPLINARY
26 PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE
27 CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED. THE

1 NATUROPATHIC DOCTOR SHALL MAKE THE REQUEST IN WRITING WITHIN
2 TWENTY DAYS AFTER RECEIPT OF THE LETTER.

3 (c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE
4 LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER
5 SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

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

14 (12) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
15 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
16 WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY
17 A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

18 (13) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
19 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
20 A NATUROPATHIC DOCTOR IS ACTING IN A MANNER THAT CAUSES OR
21 CONSTITUTES AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE
22 PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED
23 LICENSE, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH
24 ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES
25 ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE
26 CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL
27 UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

1 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
2 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (13), THE
3 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
4 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE
5 HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND
6 24-4-105, C.R.S.

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

15 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
16 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (14)
17 SHALL BE NOTIFIED PROMPTLY BY THE DIRECTOR OF THE ISSUANCE OF THE
18 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL
19 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
20 HEARING ON THE ORDER. THE NOTICE MAY BE SERVED ON THE PERSON
21 AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL SERVICE, BY
22 FIRST-CLASS, POSTAGE PREPAID UNITED STATES MAIL, OR IN ANOTHER
23 MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN
24 ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b) SHALL
25 CONSTITUTE NOTICE OF THE ORDER TO THE PERSON.

26 (c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE HELD
27 NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS

1 AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY
2 THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (14).
3 THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED
4 UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE
5 MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT
6 SHALL THE HEARING BE HELD LATER THAN SIXTY CALENDAR DAYS AFTER
7 THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

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

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

27 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET

1 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (14), OF THE FINAL
2 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
3 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
4 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER
5 ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL
6 BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES
7 OF JUDICIAL REVIEW.

8 (15) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
9 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR
10 IS ABOUT TO ENGAGE IN AN UNLICENSED ACT OR PRACTICE; AN ACT OR
11 PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE
12 PROMULGATED PURSUANT TO THIS ARTICLE, OR AN ORDER ISSUED
13 PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING
14 GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE,
15 THE DIRECTOR MAY ENTER INTO A STIPULATION WITH THE PERSON.

16 (16) IF ANY PERSON FAILS TO COMPLY WITH A FINAL
17 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
18 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
19 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,
20 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A
21 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
22 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

23 (17) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST
24 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION
25 OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF
26 THIS SECTION.

27 (18) NATUROPATHIC DOCTORS SHALL OBSERVE AND BE SUBJECT

1 TO ALL APPLICABLE LAWS WITH REGARD TO THE CONTROL OF CONTAGIOUS
2 AND INFECTIOUS DISEASES, THE REPORTING OF BIRTHS AND DEATHS, AND
3 ANY OTHER MATTERS PERTAINING TO THE PUBLIC HEALTH.

4 **12-37.3-111. Mental and physical examination of naturopathic**
5 **doctors.** (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT
6 A NATUROPATHIC DOCTOR IS UNABLE TO PRACTICE WITH REASONABLE
7 SKILL AND SAFETY, THE DIRECTOR MAY ORDER THE NATUROPATHIC
8 DOCTOR TO TAKE A MENTAL OR PHYSICAL EXAMINATION ADMINISTERED
9 BY A PHYSICIAN OR OTHER LICENSED HEALTH CARE PROFESSIONAL
10 DESIGNATED BY THE DIRECTOR. IF THE NATUROPATHIC DOCTOR REFUSES
11 TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION, THE DIRECTOR MAY
12 SUSPEND THE NATUROPATHIC DOCTOR'S LICENSE UNTIL THE DIRECTOR HAS
13 MADE A DETERMINATION OF THE NATUROPATHIC DOCTOR'S FITNESS TO
14 PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR
15 EXAMINATION AND SHALL MAKE HIS OR HER DETERMINATION IN A TIMELY
16 MANNER.

17 (2) AN ORDER REQUIRING A NATUROPATHIC DOCTOR TO UNDERGO
18 A MENTAL OR PHYSICAL EXAMINATION SHALL CONTAIN THE BASIS OF THE
19 DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE NATUROPATHIC
20 DOCTOR IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY.
21 FOR PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED UNDER THIS
22 ARTICLE, THE NATUROPATHIC DOCTOR SHALL BE DEEMED TO HAVE
23 WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING
24 PHYSICIAN'S OR OTHER LICENSED HEALTH CARE PROFESSIONAL'S
25 TESTIMONY OR EXAMINATION REPORTS ON THE GROUND THAT THEY ARE
26 PRIVILEGED COMMUNICATIONS.

27 (3) THE NATUROPATHIC DOCTOR MAY SUBMIT TO THE DIRECTOR

1 TESTIMONY OR EXAMINATION REPORTS FROM A PHYSICIAN OR OTHER
2 LICENSED HEALTH CARE PROFESSIONAL CHOSEN BY THE NATUROPATHIC
3 DOCTOR AND PERTAINING TO ANY CONDITION THAT THE DIRECTOR HAS
4 ALLEGED MAY PRECLUDE THE NATUROPATHIC DOCTOR FROM PRACTICING
5 WITH REASONABLE SKILL AND SAFETY. THE TESTIMONY AND REPORTS
6 SUBMITTED BY THE NATUROPATHIC DOCTOR MAY BE CONSIDERED BY THE
7 DIRECTOR IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND
8 EXAMINATION REPORTS OF THE PHYSICIAN OR OTHER LICENSED HEALTH
9 CARE PROFESSIONAL DESIGNATED BY THE DIRECTOR.

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

14 **12-37.3-112. Professional liability insurance required -**
15 **vicarious liability.** (1) IT IS UNLAWFUL FOR ANY PERSON TO PRACTICE
16 NATUROPATHIC MEDICINE IN THIS STATE UNLESS THE PERSON IS COVERED
17 BY A PROFESSIONAL LIABILITY INSURANCE POLICY OR THE EQUIVALENT IN
18 AN AMOUNT NOT LESS THAN ONE HUNDRED THOUSAND DOLLARS PER
19 CLAIM WITH AN AGGREGATE LIABILITY LIMIT FOR ALL CLAIMS DURING THE
20 YEAR OF AT LEAST THREE HUNDRED THOUSAND DOLLARS. THE
21 PROFESSIONAL LIABILITY INSURANCE REQUIRED BY THIS SECTION SHALL
22 COVER ALL ACTS WITHIN THE SCOPE OF THE PRACTICE OF NATUROPATHIC
23 MEDICINE.

24 (2) A NATUROPATHIC DOCTOR SHALL BE LIABLE FOR HIS OR HER
25 ACTS OR OMISSIONS IN THE PERFORMANCE OF NATUROPATHIC MEDICINE,
26 AND NO LICENSED PHYSICIAN, NURSE, PREHOSPITAL EMERGENCY MEDICAL
27 PERSONNEL, OR HEALTH CARE INSTITUTION SHALL BE LIABLE FOR ANY ACT

1 OR OMISSION RESULTING FROM THE PERFORMANCE OF NATUROPATHIC
2 MEDICINE BY ANY NATUROPATHIC DOCTOR. THIS SUBSECTION (2) SHALL
3 NOT RELIEVE ANY PHYSICIAN, NURSE, PREHOSPITAL EMERGENCY
4 PERSONNEL, OR HEALTH CARE INSTITUTION FROM LIABILITY FOR ANY
5 WILLFUL AND WANTON ACT OR OMISSION OR ANY ACT OR OMISSION
6 CONSTITUTING GROSS NEGLIGENCE, OR IF A NATUROPATHIC DOCTOR HAS
7 A BUSINESS OR SUPERVISED RELATIONSHIP WITH ANY SUCH PHYSICIAN,
8 NURSE, PREHOSPITAL EMERGENCY PERSONNEL, OR HEALTH CARE
9 INSTITUTION. A PHYSICIAN, A NURSE, PREHOSPITAL EMERGENCY
10 PERSONNEL, OR A HEALTH CARE INSTITUTION MAY PROVIDE
11 CONSULTATION OR EDUCATION TO THE NATUROPATHIC DOCTOR WITHOUT
12 ESTABLISHING A BUSINESS OR SUPERVISORY RELATIONSHIP.

13 **12-37.3-113. Complaints - investigation.** (1) ANY PERSON MAY
14 REPORT TO THE DIRECTOR IN WRITING ANY INFORMATION THE PERSON HAS
15 REASON TO BELIEVE INDICATES THAT A NATUROPATHIC DOCTOR IS OR MAY
16 BE MEDICALLY OR LEGALLY INCOMPETENT, ENGAGED IN THE
17 UNAUTHORIZED PRACTICE OF NATUROPATHIC MEDICINE, GUILTY OF
18 UNPROFESSIONAL CONDUCT, OR MENTALLY OR PHYSICALLY UNABLE TO
19 ENGAGE SAFELY IN THE PRACTICE OF NATUROPATHIC MEDICINE.

20 (2) A NATUROPATHIC DOCTOR SHALL REPORT TO THE DIRECTOR IN
21 WRITING ANY INFORMATION THE NATUROPATHIC DOCTOR HAS REASON TO
22 BELIEVE INDICATES THAT A NATUROPATHIC DOCTOR IS OR MAY BE
23 MEDICALLY OR LEGALLY INCOMPETENT, ENGAGED IN THE UNAUTHORIZED
24 PRACTICE OF NATUROPATHIC MEDICINE, GUILTY OF UNPROFESSIONAL
25 CONDUCT, OR MENTALLY OR PHYSICALLY UNABLE TO ENGAGE SAFELY IN
26 THE PRACTICE OF NATUROPATHIC MEDICINE, WITHIN THIRTY DAYS AFTER
27 BECOMING AWARE OF SUCH INFORMATION.

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

10 (4) UPON RECEIVING A CREDIBLE COMPLAINT OR REPORT
11 CONCERNING A NATUROPATHIC DOCTOR OR ON HIS OR HER OWN MOTION,
12 THE DIRECTOR MAY INVESTIGATE ANY EVIDENCE THAT APPEARS TO SHOW
13 THAT A NATUROPATHIC DOCTOR IS COMMITTING OR HAS COMMITTED ANY
14 ACT THAT WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY ACTION
15 PURSUANT TO SECTION 12-37.3-110.

16 **12-37.3-114. Disclosures - record-keeping.** (1) A
17 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION
18 IN WRITING TO EACH PATIENT: THE NATUROPATHIC DOCTOR'S NAME,
19 BUSINESS ADDRESS, AND TELEPHONE NUMBER; THE NATURE OF THE
20 SERVICES TO BE PROVIDED; THE SCOPE OF PRACTICE FOR NATUROPATHIC
21 DOCTORS; A STATEMENT THAT NATUROPATHIC DOCTORS MAY NOT
22 PRACTICE MEDICINE AS DEFINED IN THE "COLORADO MEDICAL PRACTICE
23 ACT", ARTICLE 36 OF THIS TITLE; HOW TO FILE A COMPLAINT AGAINST A
24 NATUROPATHIC DOCTOR; AND ANY DEGREES, TRAINING, EXPERIENCE,
25 CREDENTIALS, OR OTHER QUALIFICATIONS OF THE NATUROPATHIC DOCTOR,
26 INCLUDING WHETHER OR NOT SUCH DEGREES WERE AWARDED BY
27 INSTITUTIONS ACCREDITED BY A REGIONAL OR PROFESSIONAL

1 ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT
2 OF EDUCATION OR THE COUNCIL ON POSTSECONDARY ACCREDITATION, OR
3 A SUCCESSOR AGENCY, OR RECOGNIZED AS A CANDIDATE FOR
4 ACCREDITATION BY SUCH AN AGENCY.

5 (2) A NATUROPATHIC DOCTOR SHALL OBTAIN A WRITTEN
6 ACKNOWLEDGMENT FROM THE PATIENT STATING THAT THE PATIENT HAS
7 BEEN PROVIDED THE INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS
8 SECTION. THE NATUROPATHIC DOCTOR SHALL MAINTAIN THE
9 ACKNOWLEDGMENT FOR FIVE YEARS AFTER THE LAST SERVICES PROVIDED
10 TO THE PATIENT.

11 **12-37.3-115. Repeal of article.** THIS ARTICLE IS REPEALED,
12 EFFECTIVE JULY 1, 2012. PRIOR TO SUCH REPEAL, THE LICENSURE OF
13 NATUROPATHIC DOCTORS, THE ADVISORY COMMITTEE, AND THE
14 FUNCTIONS OF THE ADVISORY COMMITTEE AND THE NATUROPATHIC
15 FORMULARY COUNCIL SHALL BE REVIEWED AS PROVIDED FOR IN SECTIONS
16 2-3-1203 AND 24-34-104, C.R.S.

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

19 **13-4-102. Jurisdiction.** (2) The court of appeals shall have
20 initial jurisdiction to:

21 (kk) REVIEW ALL FINAL ACTIONS AND ORDERS APPROPRIATE FOR
22 JUDICIAL REVIEW OF THE DIRECTOR OF THE DIVISION OF REGISTRATIONS AS
23 PROVIDED IN SECTION 12-37.3-110 (8), C.R.S.

24 **SECTION 3.** 24-34-104 (43), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **24-34-104. General assembly review of regulatory agencies**
27 **and functions for termination, continuation, or reestablishment.**

1 (43) The following agencies, functions, or both, shall terminate on July
2 1, 2012:

3 (n) THE LICENSING OF NATUROPATHIC DOCTORS PURSUANT TO
4 ARTICLE 37.3 OF TITLE 12, C.R.S.

5 **SECTION 4.** 2-3-1203 (3) (y), Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

7 **2-3-1203. Sunset review of advisory committees.** (3) The
8 following dates are the dates for which the statutory authorization for the
9 designated advisory committees is scheduled for repeal:

10 (y) July 1, 2012:

11 (III) THE NATUROPATHIC FORMULARY COUNCIL CREATED IN
12 SECTION 12-37.3-109, C.R.S., AND THE ADVISORY COMMITTEE OF
13 NATUROPATHIC MEDICINE CREATED IN SECTION 12-37.3-107, C.R.S.

14 **SECTION 5. Effective date - applicability.** This act shall take
15 effect upon passage and shall apply to all persons practicing or seeking
16 to practice naturopathic medicine on or after said date.

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