

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0205.01 Thomas Morris

**HOUSE BILL 09-1175**

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**HOUSE SPONSORSHIP**

**Curry,**

**SENATE SPONSORSHIP**

**Williams,**

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**House Committees**

Health and Human Services  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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 NATUROPATHIC MEDICINE IS PRACTICED THROUGH PATIENT EDUCATION  
13 AND THE USE OF NATUROPATHIC MODALITIES AND REMEDIES.

14 (6) "NATUROPATHIC MODALITIES" MEANS LIFESTYLE COUNSELING  
15 AND THE PHYSICAL FORCES OF HEAT, COLD, WATER, TOUCH, AND LIGHT.

16  
17 (7) "NATUROPATHIC REMEDIES" MEANS THE USE OF FOOD,  
18 EXTRACTS OF FOOD, NUTRACEUTICALS, VITAMINS, AMINO ACIDS,  
19 MINERALS, ENZYMES, BOTANICALS AND THEIR EXTRACTS, HOMEOPATHY,  
20 AND ALL DIETARY SUPPLEMENTS. EXCEPT AS PROVIDED IN SECTION  
21 12-37.7-107 (1) (a), NATUROPATHIC REMEDIES DO NOT INCLUDE  
22 PRESCRIPTION DRUGS.

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

26 **12-37.7-103. Task force - reports - repeal.** (1) THERE IS  
27 HEREBY CREATED A NATUROPATHIC DOCTORS TASK FORCE, REFERRED TO

1 IN THIS ARTICLE AS THE "TASK FORCE", TO CONSIST OF THE DIRECTOR;  
2 REPRESENTATIVES FROM THE DEPARTMENT DESIGNATED BY THE  
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT; AND EQUAL NUMBERS OF  
4 PHYSICIANS LICENSED UNDER PART 1 OF ARTICLE 36 OF THIS TITLE AND  
5 NATUROPATHIC DOCTORS APPOINTED BY THE DIRECTOR. IN ORDER FOR  
6 THE TASK FORCE TO CONSIDER ADDITIONAL PERSPECTIVES AND EXPERTISE,  
7 THE DIRECTOR MAY CONSULT WITH OTHERS, INCLUDING:

8 (a) PHARMACISTS, TO OBTAIN INPUT REGARDING THE FORMULARY;

9 (b) CHIROPRACTORS AND PHYSICAL THERAPISTS, TO OBTAIN INPUT  
10 REGARDING MANIPULATION; AND

11 (c) ATTORNEYS, TO OBTAIN INPUT REGARDING MALPRACTICE  
12 INSURANCE.

13 [REDACTED]  
14 (2) THE TASK FORCE SHALL CONSIDER ISSUES RELATED TO THE  
15 PRACTICE AND REGULATION OF NATUROPATHIC MEDICINE. SUCH  
16 CONSIDERATION SHALL BE BASED UPON STANDARD EVIDENCE OF  
17 EFFECTIVENESS AND SAFETY IN LIGHT OF QUALITY, PEER REVIEWED  
18 PUBLISHED OR WIDELY VETTED RESEARCH. THE ISSUES CONSIDERED  
19 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

20 (a) THE QUALIFICATIONS OF NATUROPATHIC DOCTORS AND WHAT  
21 SCOPE OF PRACTICE SHOULD GOVERN NATUROPATHIC MEDICINE IN  
22 COLORADO INCLUDING, WITHOUT LIMITATION, ANY ADDITIONAL  
23 TREATMENTS THAT MAY BE APPROPRIATE FOR NATUROPATHIC DOCTORS  
24 TO PERFORM;

25 (b) WHETHER NATUROPATHIC DOCTORS SHOULD BE ALLOWED TO  
26 PRESCRIBE PRESCRIPTION DRUGS AND, IF SO, UNDER WHAT FORMULARY  
27 AND HOW SUCH FORMULARY IS TO BE DETERMINED;

1 (c) WHETHER SPECIFIC DISCLOSURES SHOULD BE PROVIDED TO  
2 PATIENTS OF NATUROPATHIC DOCTORS AND, IF SO, WHAT SUCH  
3 DISCLOSURES SHOULD CONTAIN;

4 (d) THE TERMS NATUROPATHIC DOCTORS MAY AND MAY NOT USE  
5 TO DESCRIBE THEMSELVES AND THE PRACTICE OF NATUROPATHIC  
6 MEDICINE;

7 (e) WHETHER, AND IN WHAT INSTANCES, IT WOULD BE BENEFICIAL  
8 FOR NATUROPATHIC DOCTORS TO CONSULT OR COLLABORATE WITH  
9 PHYSICIANS LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE;

10 (f) WHETHER THERE ARE TREATMENTS PERFORMED BY  
11 NATUROPATHIC DOCTORS THAT SHOULD REQUIRE ADDITIONAL  
12 CERTIFICATIONS AND WHAT QUALIFICATIONS SHOULD BE REQUIRED TO  
13 OBTAIN SUCH CERTIFICATIONS; AND

14 (g) THE APPROPRIATE AMOUNT OF MALPRACTICE INSURANCE A  
15 NATUROPATHIC DOCTOR SHOULD BE REQUIRED TO CARRY.

16

17 (3) THE TASK FORCE SHALL ISSUE AN ANNUAL REPORT BY  
18 JANUARY 1 OF EACH YEAR TO THE JOINT HEALTH AND HUMAN SERVICES  
19 COMMITTEE OF THE GENERAL ASSEMBLY, OR ITS SUCCESSOR COMMITTEE,  
20 CONCERNING THE ISSUES RAISED BY ENACTMENT OF THIS ARTICLE. THE  
21 TASK FORCE SHALL ISSUE A FINAL REPORT NO LATER THAN JANUARY 1,  
22 2012.

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

24 **12-37.7-104. Title and designation.** (1) A PERSON REGISTERED  
25 AS A NATUROPATHIC DOCTOR MAY USE THE TITLE "NATUROPATHIC  
26 DOCTOR" OR THE LETTERS "N.D." WHEN ACCOMPANIED BY THE WORDS  
27 "NATUROPATHIC DOCTOR". PERSONS REGISTERED UNDER THIS ARTICLE

1 SHALL NOT USE:

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

3 (b) THE TERM "PHYSICIAN";

4 (c) THE TERM "DOCTOR" UNLESS DIRECTLY PRECEDED BY THE  
5 TERM "NATUROPATHIC"; OR

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

7

8 **12-37.7-105. Requirements for registration - renewal -**  
9 **reinstatement - fee - violations - fines.** (1) EVERY APPLICANT FOR  
10 REGISTRATION TO PRACTICE NATUROPATHIC MEDICINE SHALL HAVE:

11 (a) SUCCESSFULLY COMPLETED AN APPROVED NATUROPATHIC  
12 PROGRAM;

13 (b) PASSED A COMPETENCY EXAMINATION ADMINISTERED BY A  
14 NATIONAL CERTIFYING AGENCY APPROVED BY THE DIRECTOR AND  
15 PROVIDED EVIDENCE TO THE DIRECTOR OF CERTIFICATION;

16 (c) SUBMITTED A COMPLETED APPLICATION IN THE FORM AND  
17 MANNER DESIGNATED BY THE DIRECTOR;

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

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

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

27 (3) (a) THE DIRECTOR SHALL REGISTER BY ENDORSEMENT AN

1 APPLICANT WHO OTHERWISE MEETS THE QUALIFICATIONS OF THIS ARTICLE  
2 AND WHO SUBMITS SATISFACTORY PROOF AND CERTIFIES UNDER PENALTY  
3 OF PERJURY THAT THE APPLICANT CURRENTLY POSSESSES AN  
4 UNRESTRICTED REGISTRATION, CERTIFICATE, OR LICENSE IN GOOD  
5 STANDING TO PRACTICE NATUROPATHIC MEDICINE UNDER THE LAWS OF  
6 ANOTHER STATE OR TERRITORY OF THE UNITED STATES OR A FOREIGN  
7 COUNTRY IF:

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

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

13 (b) (I) AN APPLICANT FOR REGISTRATION BY ENDORSEMENT  
14 SHALL:

15 (A) FILE AN APPLICATION AND PAY A FEE AS PRESCRIBED BY THE  
16 DIRECTOR AND SHALL HOLD A CURRENT, VALID LICENSE OR REGISTRATION  
17 IN A JURISDICTION THAT REQUIRES QUALIFICATIONS SUBSTANTIALLY  
18 EQUIVALENT TO THOSE REQUIRED FOR REGISTRATION PURSUANT TO  
19 SUBSECTION (1) OF THIS SECTION; AND

20 (B) SUBMIT WITH THE APPLICATION A VERIFICATION THAT THE  
21 APPLICANT HAS ACTIVELY PRACTICED NATUROPATHIC MEDICINE FOR A  
22 PERIOD OF TIME DETERMINED BY RULES OF THE DIRECTOR OR OTHERWISE  
23 MAINTAINED CONTINUED COMPETENCY AS DETERMINED BY THE DIRECTOR.

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

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

4 (4) (a) A NATUROPATHIC DOCTOR SHALL BE REQUIRED TO RENEW  
5 A REGISTRATION ISSUED UNDER THIS ARTICLE ACCORDING TO A SCHEDULE  
6 OF RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE APPLICANT FOR  
7 RENEWAL SHALL SUBMIT AN APPLICATION IN THE FORM AND MANNER  
8 DESIGNATED BY THE DIRECTOR AND SHALL PAY A RENEWAL FEE IN AN  
9 AMOUNT DETERMINED BY THE DIRECTOR.

10 (b) REGISTRATIONS SHALL BE RENEWED OR REINSTATED IN  
11 ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND  
12 SUCH RENEWAL OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO  
13 SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL  
14 FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION  
15 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW A REGISTRATION  
16 PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE  
17 REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE REGISTRATION HAS  
18 EXPIRED AND WHO CONTINUES TO PRACTICE NATUROPATHIC MEDICINE  
19 SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR  
20 SECTION 24-34-102 (8), C.R.S.

21 (5) A REGISTRANT SHALL NOTIFY THE DIRECTOR WITHIN THIRTY  
22 DAYS OF ANY CHANGE IN THE REGISTRANT'S ADDRESS.

23 (6) ALL FEES COLLECTED UNDER THIS ARTICLE SHALL BE  
24 DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS  
25 SET FORTH IN SECTION 24-34-105, C.R.S., AND PERIODICALLY ADJUSTED  
26 IN ACCORDANCE WITH SECTION 24-75-402, C.R.S. FEES MAY BE SPENT  
27 FOR EXPENSES OF THE DIVISION IN STAFFING THE TASK FORCE.

1           **12-37.7-106. Scope of practice.** A NATUROPATHIC DOCTOR MAY  
2       PERFORM AN ASSESSMENT FOR THE PURPOSE OF ESTABLISHING A  
3       NATUROPATHIC DIAGNOSIS, USING METHODS CONSISTENT WITH HIS OR HER  
4       EDUCATION AND TRAINING, AND TREAT PATIENTS USING NATUROPATHIC  
5       MODALITIES AND NATUROPATHIC REMEDIES. A NATUROPATHIC DOCTOR  
6       SHALL NOT PROVIDE TREATMENTS BEYOND HIS OR HER EDUCATION OR  
7       TRAINING OR IN VIOLATION OF THE PROHIBITIONS SPECIFIED IN SECTION  
8       12-37.7-107. A NATUROPATHIC DOCTOR SHALL OBSERVE AND BE SUBJECT  
9       TO ALL APPLICABLE LAWS WITH REGARD TO THE CONTROL OF CONTAGIOUS  
10      AND INFECTIOUS DISEASES, THE REPORTING OF BIRTHS AND DEATHS, AND  
11      ANY OTHER MATTERS PERTAINING TO THE PUBLIC HEALTH.

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

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

16           (b) PERFORM SURGICAL PROCEDURES;

17           (c) PRACTICE OR CLAIM TO PRACTICE:

18           (I) MEDICINE OTHER THAN NATUROPATHIC MEDICINE; OR

19           (II) AS A PHYSICIAN, DOCTOR OTHER THAN A NATUROPATHIC  
20      DOCTOR, MEDICAL DOCTOR, OSTEOPATH, DENTIST, PODIATRIST,  
21      OPTOMETRIST, PSYCHOLOGIST, ADVANCED PRACTICE NURSE, PHYSICIAN  
22      ASSISTANT, CHIROPRACTOR, PHYSICAL THERAPIST, ACUPUNCTURIST, OR  
23      ANY OTHER HEALTH CARE PROFESSIONAL UNLESS LICENSED BY THE STATE  
24      AS SUCH;

25           (d) USE ANESTHESIA OTHER THAN TOPICAL ANESTHETICS;

26           (e) ADMINISTER IONIZING RADIATION OR RADIOACTIVE  
27      SUBSTANCES;

1 (f) PERFORM CHIROPRACTIC ADJUSTMENTS AS DEFINED IN SECTION  
2 12-33-102, MANIPULATION AS REFERENCED IN SECTION 12-33-102, OR  
3 PHYSICAL THERAPY AS DEFINED IN SECTION 12-41-103, INCLUDING JOINT  
4 MOBILIZATION;

5 (g) PRACTICE OBSTETRICS;

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

10 (i) TREAT CANCER; EXCEPT THAT A NATUROPATHIC DOCTOR MAY  
11 TREAT THE SYMPTOMS AND SIDE EFFECTS OF CANCER;

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

18 (k) TREAT MENTAL HEALTH CONDITIONS; COMMUNICABLE  
19 DISEASES; NEUROLOGIC CONDITIONS; DIABETES; RENAL CONDITIONS;  
20 METABOLIC SYNDROMES; TOXICITY; DISEASES OF THE HEART, LUNGS,  
21 CARDIOVASCULAR SYSTEM, OR ENDOCRINE SYSTEM; OR ANY CONDITION  
22 FOR WHICH SIGNS OR SYMPTOMS DO NOT IMPROVE BY DOCUMENTED  
23 EVIDENCE WITHIN TWENTY-FIVE DAYS UNLESS THE PATIENT IS ADVISED,  
24 IN A WRITTEN DOCUMENT SIGNED BY THE PATIENT, TO CONSULT A  
25 LICENSED PHYSICIAN;

26 (l) USE CHELATION;

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

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

3 (I) COMPLIES WITH ALL PUBLIC HEALTH LAWS;

4 (II) VERIFIES THAT THE CHILD IS BEING TREATED BY A PHYSICIAN  
5 LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE OR OBTAINS A WAIVER  
6 SIGNED BY THE CHILD'S PARENT OR GUARDIAN STATING THAT HE OR SHE  
7 REFUSES TO HAVE THE CHILD TREATED BY A PHYSICIAN, IN WHICH CASE  
8 THE NATUROPATHIC DOCTOR SHALL, IN WRITING, ADVISE THE PARENT OR  
9 GUARDIAN THAT THE PARENT OR GUARDIAN IS RESPONSIBLE FOR  
10 FOLLOWING ALL APPLICABLE LAWS; AND

11 (III) DOES NOT:

12 (A) PERFORM INVASIVE PROCEDURES;

13 (B) PERFORM ENEMAS;

14 (C) PERFORM DEVELOPMENTAL ASSESSMENTS; ■

15 (D) TREAT CHRONIC MEDICAL PROBLEMS WITHOUT PROVIDING A  
16 DISCLOSURE TO THE CHILD'S PARENT OR GUARDIAN PURSUANT TO SECTION  
17 12-37.7-112;

18 (o) PERFORM COLONIC IRRIGATION; OR

19 (p) PERFORM REVISION, DESTRUCTION, INCISION, OR OTHER  
20 STRUCTURAL ALTERATION OF HUMAN TISSUE USING LASER TECHNOLOGY,  
21 WHICH INCLUDES THE USE OF LASERS OR PULSE LIGHT DEVICES IDENTIFIED  
22 BY THE FEDERAL DRUG ADMINISTRATION AS A CLASS II DEVICE.

23 **12-37.7-108. Director - rules.** (1) THE DIRECTOR SHALL:

24 (a) PROMULGATE ALL RULES AND CONDUCT ALL HEARINGS  
25 REQUIRED BY THIS ARTICLE;

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

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

4 (d) INITIATE AND INVESTIGATE COMPLAINTS;

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

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

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

11 **12-37.7-109. Disciplinary actions - definitions.** (1) THE  
12 DIRECTOR MAY REVOKE, SUSPEND, DENY, OR REFUSE TO RENEW A  
13 REGISTRATION, PLACE A REGISTRANT ON PROBATION, OR ISSUE A  
14 CEASE-AND-DESIST ORDER TO A NATUROPATHIC DOCTOR OR APPLICANT IN  
15 ACCORDANCE WITH THIS SECTION UPON PROOF THAT THE NATUROPATHIC  
16 DOCTOR OR APPLICANT:

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

21 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,  
22 OR SEXUAL PENETRATION, AS SUCH TERMS ARE DEFINED IN SECTION  
23 18-3-401, C.R.S.

24 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING  
25 WITH THE INITIAL CONSULTATION AND ENDING UPON THE WRITTEN  
26 TERMINATION OF TREATMENT.

27 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS

1 ATTEMPTED TO OBTAIN OR HAS OBTAINED A REGISTRATION BY FRAUD,  
2 DECEPTION, OR MISREPRESENTATION;

3 (c) IS AN EXCESSIVE OR HABITUAL USER OR ABUSER OF ALCOHOL  
4 OR HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED  
5 SUBSTANCE, AS DEFINED IN SECTION 18-18-102, C.R.S., OR OTHER DRUGS  
6 HAVING SIMILAR EFFECTS;

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

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

14 (f) HAS BEEN DISCIPLINED BY A REGULATORY AGENCY OF  
15 ANOTHER JURISDICTION;

16 (g) HAS BEEN THE SUBJECT OF A DEFERRED PROSECUTION, OR HAS  
17 BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO A FELONY  
18 OR ANY CRIME DEFINED IN TITLE 18, C.R.S. A CERTIFIED COPY OF THE  
19 JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION  
20 OR PLEA SHALL BE CONCLUSIVE EVIDENCE OF THE PROSECUTION,  
21 CONVICTION, OR PLEA. IN CONSIDERING THE DISCIPLINARY ACTION, THE  
22 DIRECTOR SHALL BE GOVERNED BY SECTION 24-5-101, C.R.S.

23 (h) HAS IMPROPERLY:

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

25 (A) NATUROPATHIC OR NATUROPATHIC MEDICAL DIPLOMA,  
26 REGISTRATION, LICENSE, OR CERTIFICATE;

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

1 (C) RECORD; OR  
2 (II) AIDED OR ABETTED ANY ACT SPECIFIED IN SUBPARAGRAPH (I)  
3 OF THIS PARAGRAPH (h);  
4 (i) HAS FAILED TO NOTIFY THE DIRECTOR OF ANY DISCIPLINARY  
5 ACTION IN RELATION TO THE APPLICANT'S PAST OR CURRENTLY HELD  
6 LICENSE, CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE  
7 NATUROPATHIC MEDICINE IN THIS OR ANY OTHER JURISDICTION;  
8 (j) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL  
9 EXAMINATION WHEN SO ORDERED BY THE DIRECTOR OR HAS OTHERWISE  
10 FAILED TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE, AND TIMELY  
11 MANNER TO A COMPLAINT ISSUED BY THE DIRECTOR;  
12 (k) HAS FAILED TO COMPLY WITH THE DISCLOSURE REQUIREMENTS  
13 OF SECTION 12-37.7-112;  
14 (l) HAS FAILED TO RESPOND IN AN HONEST, MATERIALLY  
15 RESPONSIVE, AND TIMELY MANNER TO A COMPLAINT ISSUED PURSUANT TO  
16 SECTION 12-37.7-111;  
17 (m) HAS FAILED TO KEEP APPROPRIATE RECORDS OR HAS FALSIFIED  
18 OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON SUCH  
19 RECORDS INCLUDING, WITHOUT LIMITATION, WRITTEN PROOF OF ALL  
20 NOTICES REQUIRED TO BE PROVIDED UNDER THIS ARTICLE;  
21 (n) HAS FAILED TO NOTIFY THE DIRECTOR, IN WRITING, OF THE  
22 ENTRY OF A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION  
23 IN FAVOR OF ANY PARTY AND AGAINST THE NATUROPATHIC DOCTOR OR  
24 ANY SETTLEMENT BY THE NATUROPATHIC DOCTOR IN RESPONSE TO  
25 CHARGES OR ALLEGATIONS ARISING FROM OR IN ANY WAY RELATED TO  
26 THE NATUROPATHIC DOCTOR'S PRACTICE. THE NOTICE SHALL BE GIVEN  
27 WITHIN THIRTY DAYS AFTER ENTRY OF THE JUDGMENT OR SETTLEMENT

1 AND, IN THE CASE OF A JUDGMENT, SHALL CONTAIN THE NAME OF THE  
2 COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES TO THE  
3 ACTION.

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

5  
6 (p) HAS FAILED TO MEET GENERALLY ACCEPTED STANDARDS OF  
7 NATUROPATHIC PRACTICE;

8 (q) HAS FAILED TO REFER A PATIENT TO THE APPROPRIATE  
9 LICENSED HEALTHCARE PRACTITIONER WHEN THE SERVICES REQUIRED BY  
10 THE PATIENT ARE BEYOND THE LEVEL OF COMPETENCE OF THE  
11 NATUROPATHIC DOCTOR OR BEYOND THE SCOPE OF THIS ARTICLE; OR

12 (r) HAS PERFORMED A PROCEDURE IN THE COURSE OF PATIENT  
13 CARE THAT IS BEYOND THE NATUROPATHIC DOCTOR'S TRAINING OR  
14 COMPETENCE OR BEYOND THE SCOPE OF PRACTICE OF THIS ARTICLE.

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

20 (3) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO  
21 DISCIPLINE A NATUROPATHIC DOCTOR WHEN THE DIRECTOR HAS  
22 REASONABLE GROUNDS TO BELIEVE THAT THE NATUROPATHIC DOCTOR  
23 HAS COMMITTED AN ACT ENUMERATED IN THIS SECTION.

24 (b) IF IN THE COURSE OF AN INVESTIGATION THE DIRECTOR  
25 DETERMINES THAT IT IS LIKELY THAT A NATUROPATHIC DOCTOR MAY  
26 HAVE VIOLATED ARTICLE 36 OF THIS TITLE OR RULES PROMULGATED  
27 PURSUANT TO SUCH ARTICLE, THE DIRECTOR SHALL FORWARD SUCH

1 INFORMATION TO THE BOARD OF MEDICAL EXAMINERS.

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

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

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

22 (II) IN ORDER TO AID THE DIRECTOR IN ANY HEARING OR  
23 INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR  
24 AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c)  
25 OF THIS SUBSECTION (5) IS AUTHORIZED TO ADMINISTER OATHS, TAKE  
26 AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE  
27 ATTENDANCE OF WITNESSES AND THE PRODUCTION OF THE ORIGINALS OR

1 COPIES OF ALL RECORDS, PAPERS, BOOKS, DOCUMENTS, AND MATERIALS OF  
2 THE NATUROPATHIC DOCTOR OR ANOTHER PERSON CONTAINING  
3 INFORMATION RELEVANT TO THE HEARING OR INVESTIGATION.

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

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

20 (6) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING  
21 AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS  
22 TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY  
23 PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE  
24 IMMUNE FROM SUIT AND LIABILITY IN ANY CIVIL ACTION FOR ACTS  
25 OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF,  
26 CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS  
27 ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE

1 CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE  
2 MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE  
3 BELIEF THAT THE ACTION TAKEN WAS WARRANTED BY THE FACTS.

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

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

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

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

22 (10) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
23 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT  
24 A NATUROPATHIC DOCTOR IS ACTING IN A MANNER THAT CAUSES OR  
25 CONSTITUTES AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE  
26 PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED  
27 REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST

1 SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES  
2 ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE  
3 CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL  
4 UNLAWFUL ACTS OR IMPROPER PRACTICES IMMEDIATELY CEASE.

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

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

18 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS  
19 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11)  
20 SHALL BE NOTIFIED PROMPTLY BY THE DIRECTOR OF THE ISSUANCE OF THE  
21 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL  
22 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A  
23 HEARING ON THE ORDER. THE NOTICE MAY BE SERVED ON THE PERSON  
24 AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL SERVICE, BY  
25 FIRST-CLASS, POSTAGE PREPAID UNITED STATES MAIL, OR IN ANOTHER  
26 MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN  
27 ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b) SHALL

1       CONSTITUTE NOTICE OF THE ORDER TO THE PERSON.

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

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

23               (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON  
24 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR  
25 HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS ENGAGED OR  
26 IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS  
27 OF THIS ARTICLE, A FINAL CEASE-AND-DESIST ORDER MAY BE ISSUED,

1 DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL  
2 ACTS OR UNLICENSED PRACTICES.

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

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

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

26 (14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST  
27 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION

1 OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF  
2 THIS SECTION.

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

7 **12-37.7-110. Mental and physical examination of naturopathic**  
8 **doctors.** (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT  
9 A NATUROPATHIC DOCTOR IS UNABLE TO PRACTICE WITH REASONABLE  
10 SKILL AND SAFETY, THE DIRECTOR MAY ORDER THE NATUROPATHIC  
11 DOCTOR TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION  
12 ADMINISTERED BY A PHYSICIAN OR OTHER LICENSED HEALTH CARE  
13 PROFESSIONAL DESIGNATED BY THE DIRECTOR. UNLESS DUE TO  
14 CIRCUMSTANCES BEYOND THE NATUROPATHIC DOCTOR'S CONTROL, IF THE  
15 NATUROPATHIC DOCTOR REFUSES TO UNDERGO A MENTAL OR PHYSICAL  
16 EXAMINATION, THE DIRECTOR MAY SUSPEND THE NATUROPATHIC  
17 DOCTOR'S REGISTRATION UNTIL THE RESULTS OF THE EXAMINATION ARE  
18 KNOWN AND THE DIRECTOR HAS MADE A DETERMINATION OF THE  
19 NATUROPATHIC DOCTOR'S FITNESS TO PRACTICE. THE DIRECTOR SHALL  
20 PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL MAKE HIS OR HER  
21 DETERMINATION IN A TIMELY MANNER.

22 (2) AN ORDER REQUIRING A NATUROPATHIC DOCTOR TO UNDERGO  
23 A MENTAL OR PHYSICAL EXAMINATION SHALL CONTAIN THE BASIS OF THE  
24 DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE NATUROPATHIC  
25 DOCTOR IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY.  
26 FOR PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED UNDER THIS  
27 ARTICLE, THE NATUROPATHIC DOCTOR SHALL BE DEEMED TO HAVE

1 WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING  
2 PHYSICIAN'S OR OTHER LICENSED HEALTH CARE PROFESSIONAL'S  
3 TESTIMONY OR EXAMINATION REPORTS ON THE GROUND THAT THEY ARE  
4 PRIVILEGED COMMUNICATIONS.

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

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

19 **12-37.7-111. Complaints - investigation.** (1) ANY PERSON MAY  
20 REPORT TO THE DIRECTOR IN WRITING ANY INFORMATION THE PERSON HAS  
21 INDICATING THAT A PERSON HAS VIOLATED THIS ARTICLE.

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

26 (3) A NATUROPATHIC DOCTOR'S VOLUNTARY RESIGNATION FROM  
27 THE STAFF OF A HEALTH CARE INSTITUTION, VOLUNTARY LIMITATION OF

1 STAFF PRIVILEGES, OR FAILURE TO REAPPLY FOR HOSPITAL PRIVILEGES AT  
2 SUCH AN INSTITUTION SHALL BE PROMPTLY REPORTED TO THE DIRECTOR  
3 BY THE INSTITUTION AND THE NATUROPATHIC DOCTOR IF THAT ACTION  
4 OCCURS WHILE THE NATUROPATHIC DOCTOR IS UNDER FORMAL OR  
5 INFORMAL INVESTIGATION BY THE INSTITUTION OR A COMMITTEE THEREOF  
6 FOR ANY REASON RELATED TO POSSIBLE INCOMPETENCE, UNPROFESSIONAL  
7 CONDUCT, OR MENTAL OR PHYSICAL IMPAIRMENT.

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

13 **12-37.7-112. Disclosures - record-keeping.** (1) A  
14 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION  
15 IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE DIRECTOR:

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

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

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

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

22 (e) A STATEMENT THAT NATUROPATHIC DOCTORS ARE NOT  
23 PHYSICIANS, HAVE NOT ATTENDED ALLOPATHIC MEDICAL SCHOOL, AND  
24 MAY NOT PRACTICE MEDICINE AS DEFINED IN THE "COLORADO MEDICAL  
25 PRACTICE ACT", ARTICLE 36 OF THIS TITLE, AND THAT THE DIAGNOSIS AND  
26 TREATMENT OF PATIENTS BY NATUROPATHIC DOCTORS IS LIMITED TO USES  
27 OF NATUROPATHIC MODALITIES AND NATUROPATHIC REMEDIES;

1 (f) HOW TO FILE A COMPLAINT AGAINST A NATUROPATHIC DOCTOR;

2 AND

3 (g) ANY DEGREES, TRAINING, EXPERIENCE, CREDENTIALS, OR  
4 OTHER QUALIFICATIONS OF THE NATUROPATHIC DOCTOR, INCLUDING  
5 WHETHER OR NOT SUCH DEGREES WERE AWARDED BY INSTITUTIONS  
6 ACCREDITED BY A REGIONAL OR PROFESSIONAL ACCREDITING AGENCY  
7 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION OR THE  
8 COUNCIL ON POSTSECONDARY ACCREDITATION, OR A SUCCESSOR AGENCY,  
9 OR RECOGNIZED AS A CANDIDATE FOR ACCREDITATION BY SUCH AN  
10 AGENCY.

11 (2) A NATUROPATHIC DOCTOR SHALL OBTAIN A WRITTEN  
12 ACKNOWLEDGMENT FROM THE PATIENT STATING THAT THE PATIENT HAS  
13 BEEN PROVIDED THE INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS  
14 SECTION. THE NATUROPATHIC DOCTOR SHALL MAINTAIN THE  
15 ACKNOWLEDGMENT FOR SEVEN YEARS AFTER THE LAST SERVICES  
16 PROVIDED TO THE PATIENT.

17 (3) IF A NATUROPATHIC DOCTOR TREATS ANY PATIENT WHO IS  
18 UNDER THE CARE OF A LICENSED PHYSICIAN, THE NATUROPATHIC DOCTOR  
19 SHALL ADVISE THE PATIENT IN WRITING TO INFORM THE PATIENT'S  
20 PHYSICIAN THAT THE PATIENT IS BEING TREATED BY A NATUROPATHIC  
21 DOCTOR. IF A PATIENT IS SEEKING TREATMENT FOR CANCER, THE  
22 NATUROPATHIC DOCTOR SHALL RECOMMEND TO THE PATIENT THAT THE  
23 PATIENT CONSULT WITH A LICENSED PHYSICIAN SPECIALIZING IN  
24 ONCOLOGY. IF A PATIENT IS TWO YEARS OF AGE OR OLDER BUT LESS THAN  
25 EIGHT YEARS OF AGE AND IS SEEKING TREATMENT FOR A CHRONIC  
26 MEDICAL PROBLEM, THE NATUROPATHIC DOCTOR SHALL RECOMMEND TO  
27 THE PATIENT'S PARENT OR GUARDIAN THAT HE OR SHE CONSULT WITH A

1 LICENSED PHYSICIAN SPECIALIZING IN PEDIATRICS OR FAMILY MEDICINE.

2 **12-37.7-113. Liability - unlicensed practice.** (1) A  
3 NATUROPATHIC DOCTOR SHALL BE LIABLE FOR HIS OR HER ACTS OR  
4 OMISSIONS IN THE PERFORMANCE OF NATUROPATHIC MEDICINE.

5 (2) A PERSON WHO IS ELIGIBLE TO REGISTER PURSUANT TO SECTION  
6 12-37.7-105 AND WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE  
7 NATUROPATHIC MEDICINE WITHOUT AN ACTIVE REGISTRATION PURSUANT  
8 TO THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE  
9 PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST  
10 OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE  
11 PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS  
12 PROVIDED IN SECTION 18-1.3-401, C.R.S.

13 (3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO APPLY TO  
14 A PERSON WHO IS NOT ELIGIBLE TO REGISTER PURSUANT TO SECTION  
15 12-37.7-105.

16 **12-37.7-114. Repeal of article.** THIS ARTICLE IS REPEALED,  
17 EFFECTIVE JULY 1, 2014. PRIOR TO SUCH REPEAL, THE REGISTRATION OF  
18 NATUROPATHIC DOCTORS SHALL BE REVIEWED AS PROVIDED FOR IN  
19 SECTION 24-34-104, C.R.S.

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

22 **13-4-102. Jurisdiction.** (2) The court of appeals shall have  
23 initial jurisdiction to:

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

27 **SECTION 3.** 24-34-104 (45), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **24-34-104. General assembly review of regulatory agencies**  
3 **and functions for termination, continuation, or reestablishment.**

4 (45) The following agencies, functions, or both, shall terminate on July  
5 1, 2014:

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

8 **SECTION 4. Act subject to petition - effective date -**

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

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