

**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

HOUSE SPONSORSHIP

Curry,

SENATE SPONSORSHIP

Williams,

House Committees

Health and Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF NATUROPATHIC DOCTORS, AND**
102 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

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.*

exemptions. Gives the director of the division of registrations within the department of regulatory agencies rule-making authority. Requires record-keeping and specific disclosures to the public. Specifies complaint, investigation, and disciplinary procedures. Specifies that practicing naturopathic medicine without an active registration for the second or any subsequent offense is a class 6 felony. Makes an appropriation and transfers revenues to the capital construction fund. Repeals the naturopath law in 2014, subject to sunset review.

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

2 **SECTION 1.** Title 12, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 37.7**

5 **Naturopathic Medicine**

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

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

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

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

1 NATIONAL INSTITUTIONAL ACCREDITING AGENCY RECOGNIZED BY THE
2 UNITED STATES SECRETARY OF EDUCATION.

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

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

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

1 UNIVERSITY SHALL HAVE PROVINCIAL APPROVAL FOR PARTICIPATION IN
2 GOVERNMENT-FUNDED STUDENT AID PROGRAMS.

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

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

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

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

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

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

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

27 **12-37.7-103. Task force - reports - repeal.** (1) THERE IS

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

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

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

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

26 (b) WHETHER NATUROPATHIC DOCTORS SHOULD BE ALLOWED TO
27 PRESCRIBE PRESCRIPTION DRUGS AND, IF SO, UNDER WHAT FORMULARY

1 AND HOW SUCH FORMULARY IS TO BE DETERMINED;

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

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

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

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

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

17

18 (3) THE TASK FORCE SHALL ISSUE AN ANNUAL REPORT BY
19 JANUARY 1 OF EACH YEAR TO THE JOINT HEALTH AND HUMAN SERVICES
20 COMMITTEE OF THE GENERAL ASSEMBLY, OR ITS SUCCESSOR COMMITTEE,
21 CONCERNING THE ISSUES RAISED BY ENACTMENT OF THIS ARTICLE. THE
22 TASK FORCE SHALL ISSUE A FINAL REPORT NO LATER THAN JANUARY 1,
23 2012.

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

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

1 "NATUROPATHIC DOCTOR". PERSONS REGISTERED UNDER THIS ARTICLE
2 SHALL NOT USE:

- 3 (a) THE ABBREVIATIONS "NMD" OR "N.M.D.";
- 4 (b) THE TERM "PHYSICIAN";
- 5 (c) THE TERM "DOCTOR" UNLESS DIRECTLY PRECEDED BY THE
6 TERM "NATUROPATHIC"; OR
- 7 (d) THE TERM "NATUROPATHIC MEDICAL DOCTOR".

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

- 12 (a) SUCCESSFULLY COMPLETED AN APPROVED NATUROPATHIC
13 PROGRAM;
- 14 (b) PASSED A COMPETENCY EXAMINATION ADMINISTERED BY A
15 NATIONAL CERTIFYING AGENCY APPROVED BY THE DIRECTOR AND
16 PROVIDED EVIDENCE TO THE DIRECTOR OF CERTIFICATION;
- 17 (c) SUBMITTED A COMPLETED APPLICATION IN THE FORM AND
18 MANNER DESIGNATED BY THE DIRECTOR;
- 19 (d) PAID A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR; AND
- 20 (e) SUBMITTED A FORM CONTAINING THE DISCLOSURES REQUIRED
21 BY SECTION 12-37.7-112 THAT THE APPLICANT WILL USE TO COMPLY WITH
22 SECTION 12-37.7-112.

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

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

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

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

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

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

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

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

1 QUALIFICATION TO BE REGISTERED BY ENDORSEMENT.

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

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

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

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

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

1 FOR EXPENSES OF THE DIVISION IN STAFFING THE TASK FORCE.

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

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

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

17 (b) PERFORM SURGICAL PROCEDURES;

18 (c) PRACTICE OR CLAIM TO PRACTICE:

19 (I) MEDICINE OTHER THAN NATUROPATHIC MEDICINE; OR

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

26 (d) USE ANESTHESIA OTHER THAN TOPICAL ANESTHETICS;

27 (e) ADMINISTER IONIZING RADIATION OR RADIOACTIVE

1 SUBSTANCES;

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

6 (g) PRACTICE OBSTETRICS;

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

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

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

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

27 (l) USE CHELATION;

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

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

4 (I) COMPLIES WITH ALL PUBLIC HEALTH LAWS;

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

12 (III) DOES NOT:

13 (A) PERFORM INVASIVE PROCEDURES;

14 (B) PERFORM ENEMAS;

15 (C) PERFORM DEVELOPMENTAL ASSESSMENTS; [REDACTED]

16 (D) TREAT CHRONIC MEDICAL PROBLEMS WITHOUT PROVIDING A
17 DISCLOSURE TO THE CHILD'S PARENT OR GUARDIAN PURSUANT TO SECTION
18 12-37.7-112;

19 (o) PERFORM COLONIC IRRIGATION; OR

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

24 **12-37.7-108. Director - rules.** (1) THE DIRECTOR SHALL:

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

27 (b) DESIGNATE THE APPLICATION FORM TO BE USED BY

- 1 APPLICANTS AND PROCESS ALL APPLICATIONS;
- 2 (c) REGISTER AND RENEW THE REGISTRATIONS OF ALL PERSONS
3 WHO MEET THE QUALIFICATIONS FOR REGISTRATION OR RENEWAL
4 ESTABLISHED IN SECTION 12-37.7-105;
- 5 (d) INITIATE AND INVESTIGATE COMPLAINTS;
- 6 (e) DETERMINE WHETHER A NATUROPATHIC DOCTOR SHOULD BE
7 THE SUBJECT OF A DISCIPLINARY HEARING;
- 8 (f) IMPOSE SANCTIONS AND PENALTIES FOR VIOLATIONS OF THIS
9 ARTICLE OR THE RULES PROMULGATED PURSUANT TO THIS ARTICLE; AND
- 10 (g) PERFORM ANY ADMINISTRATIVE, NONDISCIPLINARY, AND
11 NONRULE-MAKING FUNCTIONS AS PROVIDED BY THIS ARTICLE.

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

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

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

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

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

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

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

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

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

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

24 (h) HAS IMPROPERLY:

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

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

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

2 (C) RECORD; OR

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

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

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

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

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

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

22 (n) HAS FAILED TO NOTIFY THE DIRECTOR, IN WRITING, OF THE
23 ENTRY OF A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION
24 IN FAVOR OF ANY PARTY AND AGAINST THE NATUROPATHIC DOCTOR OR
25 ANY SETTLEMENT BY THE NATUROPATHIC DOCTOR IN RESPONSE TO
26 CHARGES OR ALLEGATIONS ARISING FROM OR IN ANY WAY RELATED TO
27 THE NATUROPATHIC DOCTOR'S PRACTICE. THE NOTICE SHALL BE GIVEN

1 WITHIN THIRTY DAYS AFTER ENTRY OF THE JUDGMENT OR SETTLEMENT
2 AND, IN THE CASE OF A JUDGMENT, SHALL CONTAIN THE NAME OF THE
3 COURT, THE CASE NUMBER, AND THE NAMES OF ALL PARTIES TO THE
4 ACTION.

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

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 HEALTH CARE 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

1 PURSUANT TO SUCH ARTICLE, THE DIRECTOR SHALL FORWARD SUCH
2 INFORMATION TO THE BOARD OF MEDICAL EXAMINERS.

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

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

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

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

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

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

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

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

1 ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE
2 CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE
3 MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE
4 BELIEF THAT THE ACTION TAKEN WAS WARRANTED BY THE FACTS.

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

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

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

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

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

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

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

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

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

1 ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b) SHALL
2 CONSTITUTE NOTICE OF THE ORDER TO THE PERSON.

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

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

24 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
25 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
26 HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS ENGAGED OR
27 IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS

1 OF THIS ARTICLE, A FINAL CEASE-AND-DESIST ORDER MAY BE ISSUED,
2 DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL
3 ACTS OR UNLICENSED PRACTICES.

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

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

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

27 (14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST

1 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION
2 OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF
3 THIS SECTION.

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

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

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

1 ARTICLE, THE NATUROPATHIC DOCTOR SHALL BE DEEMED TO HAVE
2 WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING
3 PHYSICIAN'S OR OTHER LICENSED HEALTH CARE PROFESSIONAL'S
4 TESTIMONY OR EXAMINATION REPORTS ON THE GROUND THAT THEY ARE
5 PRIVILEGED COMMUNICATIONS.

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

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

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

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

27 (3) A NATUROPATHIC DOCTOR'S VOLUNTARY RESIGNATION FROM

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

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

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

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

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

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

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

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

1 OF NATUROPATHIC MODALITIES AND NATUROPATHIC REMEDIES;

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

3 AND

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

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

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

1 THE PATIENT'S PARENT OR GUARDIAN THAT HE OR SHE CONSULT WITH A
2 LICENSED PHYSICIAN SPECIALIZING IN PEDIATRICS OR FAMILY MEDICINE.

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

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

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

14 **12-37.7-114. Repeal of article.** THIS ARTICLE IS REPEALED,
15 EFFECTIVE JULY 1, 2014. PRIOR TO SUCH REPEAL, THE REGISTRATION OF
16 NATUROPATHIC DOCTORS SHALL BE REVIEWED AS PROVIDED FOR IN
17 SECTION 24-34-104, C.R.S.

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

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

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

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

27 **24-34-104. General assembly review of regulatory agencies**

1 **and functions for termination, continuation, or reestablishment.**

2 (45) The following agencies, functions, or both, shall terminate on July
3 1, 2014:

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

6 **SECTION 4. Appropriation.** (1) In addition to any other
7 appropriation, there is hereby appropriated, out of any moneys in the
8 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
9 Colorado Revised Statutes, not otherwise appropriated, to the department
10 of regulatory agencies, for allocation to the division of registrations, for
11 the regulation of naturopathic doctors, for the fiscal year beginning July
12 1, 2009, the sum of one hundred seventeen thousand thirty-eight dollars
13 (\$117,038) cash funds and 1.2 FTE, or so much thereof as may be
14 necessary, for the implementation of this act.

15 (2) In addition to any other appropriation, there is hereby
16 appropriated to the department of law, for the fiscal year beginning July
17 1, 2009, the sum of fifteen thousand twenty dollars (\$15,020) and 0.1
18 FTE, or so much thereof as may be necessary, for the provision of legal
19 services to the department of regulatory agencies related to the
20 implementation of this act. Said sum shall be from reappropriated funds
21 received from the department of regulatory agencies out of the
22 appropriation made in subsection (1) of this section.

23 **SECTION 5. Act subject to petition - effective date -**
24 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
25 following the expiration of the ninety-day period after final adjournment
26 of the general assembly that is allowed for submitting a referendum
27 petition pursuant to article V, section 1 (3) of the state constitution,

1 (August 4, 2009, if adjournment sine die is on May 6, 2009); except that,
2 if a referendum petition is filed against this act or an item, section, or part
3 of this act within such period, then the act, item, section, or part, if
4 approved by the people, shall take effect on the date of the official
5 declaration of the vote thereon by proclamation of the governor.

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