

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

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, AND**  
102 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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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

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.*

HOUSE  
3rd Reading Unamended  
March 23, 2009

HOUSE  
Amended 2nd Reading  
March 20, 2009

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.

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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

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.

14              [REDACTED]

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;
- 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; AND
- 23 (f) IN FORCE PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY  
24 THE DIRECTOR PURSUANT TO SECTION 12-37.7-108 (2). PROFESSIONAL  
25 LIABILITY INSURANCE REQUIRED BY THIS PARAGRAPH (f) SHALL COVER  
26 ALL ACTS WITHIN THE SCOPE OF NATUROPATHIC MEDICINE.

27 (2) WHEN AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF

1 SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL REGISTER AND  
2 ISSUE PROOF OF REGISTRATION TO THE APPLICANT UNLESS THE DIRECTOR  
3 DETERMINES THAT THE APPLICANT HAS COMMITTED ANY ACT THAT WOULD  
4 BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-37.7-109.

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

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

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

18 (b) (I) AN APPLICANT FOR REGISTRATION BY ENDORSEMENT  
19 SHALL:

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

25 (B) SUBMIT WITH THE APPLICATION A VERIFICATION THAT THE  
26 APPLICANT HAS ACTIVELY PRACTICED NATUROPATHIC MEDICINE FOR A  
27 PERIOD OF TIME DETERMINED BY RULES OF THE DIRECTOR OR OTHERWISE

1 MAINTAINED CONTINUED COMPETENCY AS DETERMINED BY THE DIRECTOR.

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

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

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

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

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

1           (6) 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. FEES MAY BE SPENT  
5 FOR EXPENSES OF THE DIVISION IN STAFFING THE TASK FORCE.

6           **12-37.7-106. Scope of practice.** A NATUROPATHIC DOCTOR MAY  
7 PERFORM AN ASSESSMENT FOR THE PURPOSE OF ESTABLISHING A  
8 NATUROPATHIC DIAGNOSIS, USING METHODS CONSISTENT WITH HIS OR HER  
9 EDUCATION AND TRAINING, AND TREAT PATIENTS USING NATUROPATHIC  
10 MODALITIES AND NATUROPATHIC REMEDIES. A NATUROPATHIC DOCTOR  
11 SHALL NOT PROVIDE TREATMENTS BEYOND HIS OR HER EDUCATION OR  
12 TRAINING OR IN VIOLATION OF THE PROHIBITIONS SPECIFIED IN SECTION  
13 12-37.7-107. A NATUROPATHIC DOCTOR SHALL OBSERVE AND BE SUBJECT  
14 TO ALL APPLICABLE LAWS WITH REGARD TO THE CONTROL OF CONTAGIOUS  
15 AND INFECTIOUS DISEASES, THE REPORTING OF BIRTHS AND DEATHS, AND  
16 ANY OTHER MATTERS PERTAINING TO THE PUBLIC HEALTH.

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

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

21           (b) PERFORM SURGICAL PROCEDURES;

22           (c) PRACTICE OR CLAIM TO PRACTICE:

23           (I) MEDICINE OTHER THAN NATUROPATHIC MEDICINE; OR

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

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

3 (d) USE ANESTHESIA OTHER THAN TOPICAL ANESTHETICS;

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

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

10 (g) PRACTICE OBSTETRICS;

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

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

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

23 (k) TREAT MENTAL HEALTH CONDITIONS; COMMUNICABLE  
24 DISEASES; NEUROLOGIC CONDITIONS; DIABETES; RENAL CONDITIONS;  
25 METABOLIC SYNDROMES; TOXICITY; DISEASES OF THE HEART, LUNGS,  
26 CARDIOVASCULAR SYSTEM, OR ENDOCRINE SYSTEM; OR ANY CONDITION  
27 FOR WHICH SIGNS OR SYMPTOMS DO NOT IMPROVE BY DOCUMENTED

1 EVIDENCE WITHIN TWENTY-FIVE DAYS UNLESS THE PATIENT IS ADVISED,  
2 IN A WRITTEN DOCUMENT SIGNED BY THE PATIENT, TO CONSULT A  
3 LICENSED PHYSICIAN;

4 (l) USE CHELATION;

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

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

8 (I) COMPLIES WITH ALL PUBLIC HEALTH LAWS;

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

16 (III) DOES NOT:

17 (A) PERFORM INVASIVE PROCEDURES;

18 (B) PERFORM ENEMAS;

19 (C) PERFORM DEVELOPMENTAL ASSESSMENTS; ■

20 (D) TREAT CHRONIC MEDICAL PROBLEMS WITHOUT PROVIDING A  
21 DISCLOSURE TO THE CHILD'S PARENT OR GUARDIAN PURSUANT TO SECTION  
22 12-37.7-112;

23 (o) PERFORM COLONIC IRRIGATION; OR

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

1           **12-37.7-108. Director - rules.** (1) THE DIRECTOR SHALL:  
2           (a) PROMULGATE ALL RULES AND CONDUCT ALL HEARINGS  
3           REQUIRED BY THIS ARTICLE;  
4           (b) DESIGNATE THE APPLICATION FORM TO BE USED BY  
5           APPLICANTS AND PROCESS ALL APPLICATIONS;  
6           (c) REGISTER AND RENEW THE REGISTRATIONS OF ALL PERSONS  
7           WHO MEET THE QUALIFICATIONS FOR REGISTRATION OR RENEWAL  
8           ESTABLISHED IN SECTION 12-37.7-105;  
9           (d) INITIATE AND INVESTIGATE COMPLAINTS;  
10          (e) DETERMINE WHETHER A NATUROPATHIC DOCTOR SHOULD BE  
11          THE SUBJECT OF A DISCIPLINARY HEARING;  
12          (f) IMPOSE SANCTIONS AND PENALTIES FOR VIOLATIONS OF THIS  
13          ARTICLE OR THE RULES PROMULGATED PURSUANT TO THIS ARTICLE; AND  
14          (g) PERFORM ANY ADMINISTRATIVE, NONDISCIPLINARY, AND  
15          NONRULE-MAKING FUNCTIONS AS PROVIDED BY THIS ARTICLE.

16          (2) THE DIRECTOR SHALL REQUIRE NATUROPATHIC DOCTORS TO  
17          CARRY LIABILITY INSURANCE IN AN AMOUNT OF NOT MORE THAN THREE  
18          HUNDRED THOUSAND DOLLARS PER CLAIM AND NOT LESS THAN ONE  
19          HUNDRED THOUSAND DOLLARS PER CLAIM.

20          **12-37.7-109. Disciplinary actions - definitions.** (1) THE  
21          DIRECTOR MAY REVOKE, SUSPEND, DENY, OR REFUSE TO RENEW A  
22          REGISTRATION, PLACE A REGISTRANT ON PROBATION, OR ISSUE A  
23          CEASE-AND-DESIST ORDER TO A NATUROPATHIC DOCTOR OR APPLICANT IN  
24          ACCORDANCE WITH THIS SECTION UPON PROOF THAT THE NATUROPATHIC  
25          DOCTOR OR APPLICANT:

26          (a) HAS ENGAGED IN A SEXUAL ACT WITH A PERSON RECEIVING  
27          SERVICES WHILE A THERAPEUTIC RELATIONSHIP EXISTED OR DURING THE

1 SIX-MONTH PERIOD IMMEDIATELY FOLLOWING TERMINATION OF THE  
2 THERAPEUTIC RELATIONSHIP. FOR THE PURPOSES OF THIS PARAGRAPH (a):

3 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,  
4 OR SEXUAL PENETRATION, AS SUCH TERMS ARE DEFINED IN SECTION  
5 18-3-401, C.R.S.

6 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING  
7 WITH THE INITIAL CONSULTATION AND ENDING UPON THE WRITTEN  
8 TERMINATION OF TREATMENT.

9 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS  
10 ATTEMPTED TO OBTAIN OR HAS OBTAINED A REGISTRATION BY FRAUD,  
11 DECEPTION, OR MISREPRESENTATION;

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

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

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

23 (f) HAS BEEN DISCIPLINED BY A REGULATORY AGENCY OF  
24 ANOTHER JURISDICTION;

25 (g) HAS BEEN THE SUBJECT OF A DEFERRED PROSECUTION, OR HAS  
26 BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO A FELONY  
27 OR ANY CRIME DEFINED IN TITLE 18, C.R.S. A CERTIFIED COPY OF THE

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

5 (h) HAS IMPROPERLY:

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

7 (A) NATUROPATHIC OR NATUROPATHIC MEDICAL DIPLOMA,  
8 REGISTRATION, LICENSE, OR CERTIFICATE;

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

10 (C) RECORD; OR

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

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

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

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

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

26 (m) HAS FAILED TO KEEP APPROPRIATE RECORDS OR HAS FALSIFIED  
27 OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON SUCH

1 RECORDS INCLUDING, WITHOUT LIMITATION, WRITTEN PROOF OF ALL  
2 NOTICES REQUIRED TO BE PROVIDED UNDER THIS ARTICLE;

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

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

14  
15 (p) HAS FAILED TO MEET GENERALLY ACCEPTED STANDARDS OF  
16 NATUROPATHIC PRACTICE;

17 (q) HAS FAILED TO REFER A PATIENT TO THE APPROPRIATE  
18 LICENSED HEALTHCARE PRACTITIONER WHEN THE SERVICES REQUIRED BY  
19 THE PATIENT ARE BEYOND THE LEVEL OF COMPETENCE OF THE  
20 NATUROPATHIC DOCTOR OR BEYOND THE SCOPE OF THIS ARTICLE; OR

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

24 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1) OF THIS  
25 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE  
26 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER  
27 SUCH ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF

1 DISCIPLINARY SANCTIONS TO BE IMPOSED.

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

6 (b) IF IN THE COURSE OF AN INVESTIGATION THE DIRECTOR  
7 DETERMINES THAT IT IS LIKELY THAT A NATUROPATHIC DOCTOR MAY  
8 HAVE VIOLATED ARTICLE 36 OF THIS TITLE OR RULES PROMULGATED  
9 PURSUANT TO SUCH ARTICLE, THE DIRECTOR SHALL FORWARD SUCH  
10 INFORMATION TO THE BOARD OF MEDICAL EXAMINERS.

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

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

26 (b) (I) THE DIRECTOR IS AUTHORIZED TO INVESTIGATE, HOLD  
27 HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS RELATED TO THE

1 EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES OF THE  
2 DIRECTOR.

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

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

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

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

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

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

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

26           (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
27 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,

1 WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY  
2 A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

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

13 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
14 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10), THE  
15 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER  
16 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE  
17 HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND  
18 24-4-105, C.R.S.

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

26 (b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS  
27 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11)

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

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

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

1 RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND  
2 THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF  
3 LAW.

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

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

19 (12) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
20 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR  
21 IS ABOUT TO ENGAGE IN AN UNREGISTERED ACT OR PRACTICE; AN ACT OR  
22 PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE; A RULE  
23 PROMULGATED PURSUANT TO THE ARTICLE; AN ORDER ISSUED PURSUANT  
24 TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR  
25 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR  
26 MAY ENTER INTO A STIPULATION WITH THE PERSON.

27 (13) IF ANY PERSON FAILS TO COMPLY WITH A FINAL

1 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY  
2 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE  
3 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,  
4 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A  
5 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO  
6 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

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

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

15 **12-37.7-110. Mental and physical examination of naturopathic**  
16 **doctors.** (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT  
17 A NATUROPATHIC DOCTOR IS UNABLE TO PRACTICE WITH REASONABLE  
18 SKILL AND SAFETY, THE DIRECTOR MAY ORDER THE NATUROPATHIC  
19 DOCTOR TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION  
20 ADMINISTERED BY A PHYSICIAN OR OTHER LICENSED HEALTH CARE  
21 PROFESSIONAL DESIGNATED BY THE DIRECTOR. UNLESS DUE TO  
22 CIRCUMSTANCES BEYOND THE NATUROPATHIC DOCTOR'S CONTROL, IF THE  
23 NATUROPATHIC DOCTOR REFUSES TO UNDERGO A MENTAL OR PHYSICAL  
24 EXAMINATION, THE DIRECTOR MAY SUSPEND THE NATUROPATHIC  
25 DOCTOR'S REGISTRATION UNTIL THE RESULTS OF THE EXAMINATION ARE  
26 KNOWN AND THE DIRECTOR HAS MADE A DETERMINATION OF THE  
27 NATUROPATHIC DOCTOR'S FITNESS TO PRACTICE. THE DIRECTOR SHALL

1 PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL MAKE HIS OR HER  
2 DETERMINATION IN A TIMELY MANNER.

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

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

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

27 **12-37.7-111. Complaints - investigation.** (1) ANY PERSON MAY

1 REPORT TO THE DIRECTOR IN WRITING ANY INFORMATION THE PERSON HAS  
2 INDICATING THAT A PERSON HAS VIOLATED THIS ARTICLE.

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

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

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

21 **12-37.7-112. Disclosures - record-keeping.** (1) A  
22 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION  
23 IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE DIRECTOR:

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

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

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

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

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

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

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

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

25 (3) IF A NATUROPATHIC DOCTOR TREATS ANY PATIENT WHO IS  
26 UNDER THE CARE OF A LICENSED PHYSICIAN, THE NATUROPATHIC DOCTOR  
27 SHALL ADVISE THE PATIENT IN WRITING TO INFORM THE PATIENT'S

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

10 **12-37.7-113. Liability - unlicensed practice.** (1) A  
11 NATUROPATHIC DOCTOR SHALL BE LIABLE FOR HIS OR HER ACTS OR  
12 OMISSIONS IN THE PERFORMANCE OF NATUROPATHIC MEDICINE.

13 (2) A PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO  
14 PRACTICE NATUROPATHIC MEDICINE WITHOUT AN ACTIVE REGISTRATION  
15 PURSUANT TO THIS ARTICLE AND WHO EITHER IS ELIGIBLE TO REGISTER  
16 PURSUANT TO SECTION 12-37.7-105 OR WHO HOLDS HIMSELF OR HERSELF  
17 OUT TO THE PUBLIC AS A NATUROPATHIC DOCTOR COMMITS A CLASS 2  
18 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
19 18-1.3-501, C.R.S. [REDACTED]

20 (3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO APPLY TO  
21 A PERSON WHO IS NOT ELIGIBLE TO REGISTER PURSUANT TO SECTION  
22 12-37.7-105 UNLESS SUCH PERSON:

23 (a) HOLDS HIMSELF OR HERSELF OUT TO THE PUBLIC AS A  
24 NATUROPATHIC DOCTOR; OR

25 (b) PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE  
26 NATUROPATHIC MEDICINE WITHOUT AN ACTIVE REGISTRATION PURSUANT  
27 TO THIS ARTICLE.

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

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

7           **13-4-102. Jurisdiction.** (2) The court of appeals shall have  
8 initial jurisdiction to:

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

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

14           **24-34-104. General assembly review of regulatory agencies  
15 and functions for termination, continuation, or reestablishment.**

16 (45) The following agencies, functions, or both, shall terminate on July  
17 1, 2014:

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

20           **SECTION 4. Appropriation.** (1) In addition to any other  
21 appropriation, there is hereby appropriated, out of any moneys in the  
22 division of registrations cash fund created in section 24-34-105 (2) (b) (I),  
23 Colorado Revised Statutes, not otherwise appropriated, to the department  
24 of regulatory agencies, for allocation to the division of registrations, for  
25 the regulation of naturopathic doctors, for the fiscal year beginning July  
26 1, 2009, the sum of one hundred seventeen thousand thirty-eight dollars  
27 (\$117,038) cash funds and 1.2 FTE, or so much thereof as may be

1 necessary, for the implementation of this act.

2 (2) In addition to any other appropriation, there is hereby  
3 appropriated to the department of law, for the fiscal year beginning July  
4 1, 2009, the sum of fifteen thousand twenty dollars (\$15,020) and 0.1  
5 FTE, or so much thereof as may be necessary, for the provision of legal  
6 services to the department of regulatory agencies related to the  
7 implementation of this act. Said sum shall be from reappropriated funds  
8 received from the department of regulatory agencies out of the  
9 appropriation made in subsection (1) of this section.

10 **SECTION 5. Act subject to petition - effective date -**  
11 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
12 following the expiration of the ninety-day period after final adjournment  
13 of the general assembly that is allowed for submitting a referendum  
14 petition pursuant to article V, section 1 (3) of the state constitution,  
15 (August 5, 2009, if adjournment sine die is on May 6, 2009); except that,  
16 if a referendum petition is filed against this act or an item, section, or part  
17 of this act within such period, then the act, item, section, or part, if  
18 approved by the people, shall take effect on the date of the official  
19 declaration of the vote thereon by proclamation of the governor.

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