A BILL FOR AN ACT

CONCERNING THE REGULATION OF NATUROPATHIC DOCTORS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Currently, naturopathic doctors are not regulated by the state and are not required to obtain a license to practice naturopathic medicine in Colorado. The bill requires naturopathic doctors to obtain a license to practice in Colorado on or after July 1, 2012. The director of the division of registrations in the department of regulatory agencies (department) is tasked with all functions necessary to regulate naturopathic doctors, including adopting rules, establishing application procedures, approving
education and training, and disciplining naturopathic doctors. To be licensed by the state, a naturopathic doctor must:

- Be at least 18 years of age;
- Have a bachelor's degree and a doctor of naturopathy degree from an approved naturopathic medical college;
- Have completed at least 1,200 hours of approved clinical training before obtaining the doctoral degree;
- Pass a competency-based naturopathic licensing examination; and
- Not have had a license to practice as a naturopathic doctor or other health care license, registration, or certification refused, revoked, or suspended by another jurisdiction.

The bill prohibits a licensed naturopathic doctor from engaging in certain acts such as:

- Prescribing, dispensing, administering, or injecting a controlled substance or device;
- Performing surgical procedures;
- Practicing or claiming to practice as another licensed health care professional;
- Using general or spinal anesthetics;
- Administering ionizing radioactive substances for therapeutic purposes;
- Performing chiropractic adjustments or manipulations, physical therapy, acupuncture, obstetrics, or colonic irrigation; and
- Treating cancer, engaging in prescription and intravenous chelation, or treating a child under 2 years of age without first obtaining a waiver from the child's parent or guardian.

Naturopathic doctors are required to make certain written disclosures to their patients, obtain a written acknowledgment from the patient that he or she has received the disclosures, and maintain the patient's acknowledgment for 7 years after services are rendered to the patient. Additionally, naturopathic doctors are to advise a patient who is under the care of a physician that he or she should inform the physician of the treatment by the naturopathic doctor and are to refer patients seeking treatment for cancer to an oncologist.

The bill grants title protection to licensed naturopathic doctors and creates penalties for unauthorized practice as a naturopathic doctor. The bill also establishes grounds for disciplining a licensed naturopathic doctor and sets forth the methods of and procedures for disciplining a licensee.

Naturopathic doctors are required to obtain professional liability insurance and are responsible for their acts and omissions in the practice of naturopathic medicine. Certain health care providers are shielded from liability resulting from a naturopathic doctor's practice of naturopathic medicine.
medicine but are liable for grossly negligent, willful, or wanton acts or omissions of a naturopathic doctor with whom they have a business or supervisory relationship.

The licensing of naturopathic doctors is subject to sunset review by the department and is set to repeal on September 1, 2017.

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

**SECTION 1.** Title 12, Colorado Revised Statutes, is amended by the addition of a new article to read:

**ARTICLE 37.3**

**Naturopathic Doctors**

**12-37.3-101. Short title.** This article shall be known and may be cited as the "Naturopathic Doctor Act".

**12-37.3-102. Definitions.** As used in this article, unless the context otherwise requires:

1. "Approved clinical training" means clinical training in naturopathic medicine in an inpatient or outpatient setting that has been approved by the director. "Approved clinical training" may include components of conventional medicine in addition to naturopathic medicine.

2. "Approved naturopathic medical college" means:

   a. A naturopathic medical education program in the United States that grants the degree of doctor of naturopathic medicine or doctor of naturopathy and that:

      i. Is approved by the director;

      ii. Offers graduate-level, full-time didactic and supervised clinical training; and

      iii. Is accredited or has achieved candidacy status for accreditation by the Council on Naturopathic Medical Education.
OR AN EQUIVALENT FEDERALLY RECOGNIZED ACCREDITING BODY FOR NATUROPATHIC MEDICAL PROGRAMS; OR

(b) ANY OTHER COLLEGE OR PROGRAM APPROVED BY THE DIRECTOR AND ACCREDITED BY THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION, OR ITS SUCCESSOR ENTITY.

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

(4) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

(5) "HOMEOPATHIC PREPARATIONS" MEANS MEDICINES PREPARED ACCORDING TO THE HOMEOPATHIC PHARMAKOPOEIA OF THE UNITED STATES.

(6) "NATUROPATHIC DOCTOR" MEANS A PERSON WHO IS LICENSED BY THE DIRECTOR TO PRACTICE NATUROPATHIC MEDICINE PURSUANT TO THIS ARTICLE.

(7) (a) "NATUROPATHIC MEDICINE" MEANS A SYSTEM OF HEALTH CARE PRACTICES FOR THE PREVENTION, DIAGNOSIS, EVALUATION, AND TREATMENT OF INJURIES, DISEASES, AND CONDITIONS OF THE HUMAN BODY THROUGH THE USE OF EDUCATION, NUTRITION, NATURAL MEDICINES AND THERAPIES, AND OTHER MODALITIES THAT ARE DESIGNED TO SUPPORT, STIMULATE, OR SUPPLEMENT THE HUMAN BODY’S OWN NATURAL SELF-HEALING PROCESSES.

(b) "NATUROPATHIC MEDICINE" INCLUDES NATUROPATHIC PHYSICAL MEDICINE, WHICH CONSISTS OF THE THERAPEUTIC USE OF THE PHYSICAL AGENTS OF AIR, WATER, HEAT, COLD, SOUND, LIGHT, TOUCH, AND ELECTROMAGNETIC NONIONIZING RADIATION AND THE PHYSICAL MODALITIES OF ELECTROTHERAPY, DIATHERMY, ULTRAVIOLET LIGHT, ULTRASOUND, HYDROTHERAPY, AND EXERCISE.
12-37.3-103. Practice of naturopathic medicine - exclusions -

protected activities. (1) The practice of naturopathic medicine includes the following:

(a) The prevention and treatment of human injury, disease, or conditions through education or dietary or nutritional advice, and the promotion of healthy ways of living;

(b) The use of physical examinations and the ordering of clinical, laboratory, and radiological diagnostic procedures from licensed or certified health care facilities or laboratories for the purpose of diagnosing and evaluating injuries, diseases, and conditions in the human body; or

(c) Dispensing, administering, ordering, and prescribing natural medicines of mineral, animal, or botanical origin, including food products or extracts, vitamins, minerals, enzymes, digestive aids, natural hormones, plant substances, homeopathic preparations, natural antibiotics, and topical medicines, and nonprescription drugs, as defined in section 12-22-102, therapeutic devices, and barrier contraceptives to prevent or treat injuries, diseases, and conditions of the human body.

(2) A naturopathic doctor shall not:

(a) Prescribe, dispense, administer, or inject a controlled substance or device identified in the federal "Controlled Substances Act", 21 U.S.C. sec. 801 et seq., as amended, except as authorized by this article;

(b) Perform surgical procedures, including surgical procedures using a laser device and surgical procedures
IN Volving the eye, ear, tendons, nerves, veins, or arteries extending beyond superficial tissue; except that a naturopathic doctor may perform minor office procedures authorized by this article;

(c) Practice or claim to practice as a medical doctor, physician, osteopath, dentist, podiatrist, optometrist, psychologist, advanced practice nurse, physician assistant, chiropractor, physical therapist, acupuncturist, or any other health care professional not authorized in this article, unless the naturopathic doctor is licensed by the state to engage in the particular practice;

(d) Use general or spinal anesthetics;

(e) Administer ionizing radioactive substances for therapeutic purposes;

(f) Perform chiropractic adjustments, as defined in section 12-33-102;

(g) Perform acupuncture unless licensed as an acupuncturist pursuant to article 29.5 of this title;

(h) Perform obstetrics;

(i) Treat cancer; except that a naturopathic doctor may treat the symptoms and side effects of cancer treatment;

(j) Engage in prescription and intravenous chelation;

(k) Perform colonic irrigation; and

(l) Treat a child under two years of age unless:

(I) The naturopathic doctor verifies that the child is being treated by a physician licensed pursuant to article 36 of this title; or
(II) The naturopathic doctor obtains a waiver signed by the child’s parent or guardian stating that he or she refuses to have the child treated by a physician, in which case the naturopathic doctor shall, in writing, advise the parent or guardian that the parent or guardian is responsible for following all applicable laws.

(3) Nothing in this article prohibits or restricts:

(a) A person who is licensed, certified, or registered to practice a profession or occupation under any other law from engaging in activities that are within the lawful scope of practice for the profession or occupation for which the person is licensed, certified, or registered;

(b) The practice of naturopathic medicine by a person employed by the federal government while the person is engaged in the performance of his or her duties prescribed by federal law;

(c) The practice of naturopathic medicine by students enrolled in an approved naturopathic medical college if the performance of services is pursuant to a course of instruction or assignments from and under the supervision of an instructor who is a licensed naturopathic doctor or a licensed professional in the field in which he or she is providing instruction;

(d) Any person from treating oneself or a member of his or her immediate family based on religious or health beliefs;

(e) Any person who sells vitamins and herbs from providing information about the products; or

(f) A person or practitioner who is not licensed as a
NATUROPATHIC DOCTOR PURSUANT TO THIS ARTICLE FROM ADVISING IN
THE USE OF A THERAPY, INCLUDING HERBAL MEDICINE, HOMEOPATHY,
NUTRITION, OR OTHER NONDRUG OR NONSURGICAL THERAPY THAT IS
WITHIN THE SCOPE OF PRACTICE OF A NATUROPATHIC DOCTOR AS
OUTLINED IN THIS ARTICLE, AS LONG AS:

(I) THE THERAPY IS WITHIN THE PERSON’S LAWFUL RIGHTS OR, IF
A LICENSED HEALTH CARE PROVIDER, WITHIN THE LEGALLY DEFINED SCOPE
OF PRACTICE OF THE PROFESSION AS SPECIFIED IN THE APPLICABLE STATE
LAW; AND

(II) THE PERSON OR PRACTITIONER DOES NOT REPRESENT OR HOLD
HIMSELF OR HERSELF OUT TO THE PUBLIC AS PRACTICING AS A
NATUROPATHIC DOCTOR IN THIS STATE OR OTHERWISE USE ANY NAME,
TITLE, OR OTHER DESIGNATION THAT INDICATES OR IMPLIES THAT HE OR
SHE IS LICENSED TO PRACTICE AS A NATUROPATHIC DOCTOR.

(4) A LICENSED NATUROPATHIC DOCTOR HAS THE SAME
AUTHORITY AND IS SUBJECT TO THE SAME RESPONSIBILITIES AS A LICENSED
PHYSICIAN UNDER PUBLIC HEALTH LAWS PERTAINING TO REPORTABLE
DISEASES AND CONDITIONS, COMMUNICABLE DISEASE CONTROL AND
PREVENTION, AND RECORDING OF VITAL STATISTICS AND HEALTH AND
PHYSICAL EXAMINATIONS, SUBJECT TO THE LIMITATIONS OF THE SCOPE OF
PRACTICE OF A NATUROPATHIC DOCTOR AS SPECIFIED IN THIS ARTICLE.

(5) THIS ARTICLE DOES NOT PROHIBIT A PERSON LICENSED TO
PRACTICE AS A NATUROPATHIC DOCTOR IN ANOTHER STATE OR DISTRICT
IN THE UNITED STATES FROM CONSULTING WITH A NATUROPATHIC
DOCTOR IN THIS STATE, AS LONG AS THE CONSULTATION IS LIMITED TO
EXAMINATION, RECOMMENDATION, OR TESTIMONY IN LITIGATION.

12-37.3-104. Director - powers and duties - rules. (1) In

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ADDITION TO ANY OTHER POWERS AND DUTIES CONFERRED ON THE DIRECTOR BY LAW, THE DIRECTOR SHALL:

(a) ADOPT RULES NECESSARY TO ADMINISTER THIS ARTICLE;
(b) ESTABLISH THE FORM AND MANNER IN WHICH APPLICANTS ARE TO APPLY FOR A NEW LICENSE OR RENEW A LICENSE;
(c) RECEIVE, REVIEW, AND APPROVE OR DENY APPLICATIONS FOR LICENSES AND ISSUE AND RENEW LICENSES UNDER THIS ARTICLE;
(d) ESTABLISH FEES FOR LICENSE APPLICATIONS AND RENEWAL APPLICATIONS IN THE MANNER AUTHORIZED BY SECTION 24-34-105, C.R.S.;
(e) CONDUCT INVESTIGATIONS, HOLD HEARINGS, TAKE EVIDENCE, AND PURSUE DISCIPLINARY ACTIONS PURSUANT TO SECTION 12-37.3-111 WITH RESPECT TO COMPLAINTS AGAINST NATUROPATHIC DOCTORS WHEN THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A NATUROPATHIC DOCTOR IS VIOLATING THIS ARTICLE OR RULES ADOPTED PURSUANT TO THIS ARTICLE, AND TO SUBPOENA WITNESSES, ADMINISTER OATHS, AND COMPEL THE TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, AND RECORDS RELEVANT TO THOSE INVESTIGATIONS OR HEARINGS. ANY SUBPOENA ISSUED PURSUANT TO THIS ARTICLE IS ENFORCEABLE BY THE DISTRICT COURT.
(f) PERFORM OTHER FUNCTIONS AND DUTIES NECESSARY TO ADMINISTER THIS ARTICLE.

12-37.3-105. License required - qualifications - examination - licensure by endorsement - rules. (1) ON AND AFTER JULY 1, 2012, A PERSON SHALL NOT PRACTICE AS A NATUROPATHIC DOCTOR IN THIS STATE WITHOUT A LICENSE.
(2) AN APPLICANT FOR A LICENSE TO PRACTICE AS A
NATUROPATHIC DOCTOR IN THIS STATE SHALL SUBMIT AN APPLICATION TO THE DIRECTOR IN A FORM AND MANNER DETERMINED BY THE DIRECTOR BY RULE, ACCOMPANIED BY THE FEE REQUIRED PURSUANT TO SECTION 12-37.3-104 (1) (d). THE DIRECTOR SHALL ISSUE A LICENSE TO PRACTICE AS A NATUROPATHIC DOCTOR TO AN APPLICANT UPON RECEIPT OF SATISFACTORY PROOF THAT THE APPLICANT:

(a) IS AT LEAST EIGHTEEN YEARS OF AGE AND OF GOOD MORAL CHARACTER;

(b) HAS OBTAINED A BACCALAUREATE DEGREE FROM AN ACCREDITED EDUCATIONAL INSTITUTION OR ITS EQUIVALENT, AS DETERMINED BY THE DIRECTOR;

(c) HAS GRADUATED FROM AND HOLDS A DOCTOR OF NATUROPATHIC MEDICINE OR DOCTOR OF NATUROPATHY DEGREE FROM AN APPROVED NATUROPATHIC MEDICAL COLLEGE;

(d) SATISFACTORILY COMPLETED AT LEAST ONE THOUSAND TWO HUNDRED HOURS OF APPROVED CLINICAL TRAINING PRIOR TO OBTAINING THE DOCTOR OF NATUROPATHIC MEDICINE OR DOCTOR OF NATUROPATHY DEGREE;

(e) SUCCESSFULLY PASSED A COMPETENCY-BASED NATIONAL NATUROPATHIC LICENSING EXAMINATION ADMINISTERED BY THE NORTH AMERICAN BOARD OF NATUROPATHIC EXAMINERS OR A SUCCESSOR ENTITY THAT HAS BEEN NATIONALLY RECOGNIZED TO ADMINISTER A NATUROPATHIC EXAMINATION THAT REPRESENTS FEDERAL STANDARDS OF EDUCATION AND TRAINING; AND

(f) HAS NOT HAD A LICENSE TO PRACTICE AS A NATUROPATHIC DOCTOR OR OTHER HEALTH CARE LICENSE, REGISTRATION, OR CERTIFICATION DENIED, REVOKED, OR SUSPENDED BY ANY OTHER
JURISDICTION FOR REASONS THAT RELATE TO THE APPLICANT'S ABILITY TO SKILLFULLY AND SAFELY PRACTICE NATUROPATHIC MEDICINE, UNLESS THE LICENSE, REGISTRATION, OR CERTIFICATION IS REINSTATED TO GOOD STANDING BY THAT JURISDICTION.

12-37.3-106. License renewal or reinstatement - fees. A LICENSED NATUROPATHIC DOCTOR SHALL RENEW OR REINSTATE HIS OR HER LICENSE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR, AND THE DIRECTOR SHALL RENEW OR REINSTATE A LICENSE IN ACCORDANCE WITH SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S., AND SHALL INCREASE RENEWAL FEES CONSISTENT WITH SECTION 24-34-109 (4), C.R.S., TO FUND THE DIVISION'S COSTS IN ADMINISTERING THIS ARTICLE. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE LICENSE EXPIRES. A PERSON WHOSE LICENSE EXPIRES IS SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S. THE DIRECTOR SHALL TRANSMIT FEES COLLECTED PURSUANT TO THIS SECTION OR SECTION 12-37.3-105 TO THE STATE TREASURER FOR DEPOSIT IN THE DIVISION OF REGISTRATIONS CASH FUND PURSUANT TO SECTION 24-34-105, C.R.S.

12-37.3-107. Continuing education. (1) The purpose of this section is to increase the annual scientific educational requirements of naturopathic doctors practicing in this state. Each naturopathic doctor in active practice in the state shall annually attend at least fifteen hours of scientific clinics, forums, or naturopathic medical educational study consisting of subjects basic to the field of naturopathic medicine.
(2) The director shall prepare an educational schedule of minimum postgraduate requirements of subjects that a school, clinic, forum, or convention providing educational work must satisfy, and the school, clinic, forum, or convention must comply with the minimum standards before the director issues a postgraduate attendance certificate.

(3) The director shall determine credit hours. Applicants shall apply to the board before or after the course and shall present proof of attendance and synopsis of the course content for approval of credit hours. If a naturopathic doctor is unable to comply with this section on account of dire emergency and for good cause shown, the director may waive the requirements of this section.

12-37.3-108. Compliance with transparency requirements. A naturopathic doctor shall comply with section 24-34-110, C.R.S., regarding the disclosure of information to the director.

12-37.3-109. Persons entitled to practice as naturopathic doctors - title protection for naturopathic doctors. (1) A person shall not hold himself or herself out as a naturopathic doctor or use any of the titles or initials referred to in subsection (2) of this section unless the person is licensed as a naturopathic doctor pursuant to this article.

(2) A naturopathic doctor may use the title "naturopathic doctor" or "doctor of naturopathy" or the initials "N.D."

(3) A naturopathic doctor shall not use the term "physician". Nothing in this section prevents a naturopathic doctor from use...
DOCTOR FROM DISCLOSING MEMBERSHIP IN NATIONAL ORGANIZATIONS OR ASSOCIATIONS OF NATUROPATHIC PHYSICIANS.

12-37.3-110. Disclosures - record-keeping. (1) A NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE DIRECTOR:

(a) The naturopathic doctor's name, business address, and telephone number;

(b) The nature of the services to be provided;

(c) The prohibitions specified in section 12-37.3-103 (2);

(d) The states in which the naturopathic doctor holds an active license or registration;

(e) A statement that naturopathic doctors are licensed by the state to practice naturopathic medicine under the "Naturopathic Doctor Act"; and

(f) How to file a complaint against a naturopathic doctor.

(2) A naturopathic doctor shall obtain a written acknowledgment from the patient stating that the patient has been provided the information described in subsection (1) of this section. The naturopathic doctor shall maintain the acknowledgment for seven years after the last services provided to the patient.

(3) If a naturopathic doctor treats any patient who is under the care of a licensed physician, the naturopathic doctor shall advise the patient in writing to inform the patient's physician that the patient is being treated by a naturopathic doctor. If a patient is seeking treatment for cancer, the naturopathic doctor shall recommend to the patient that the

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PATIENT CONSULT WITH A LICENSED PHYSICIAN SPECIALIZING IN ONCOLOGY.

12-37.3-111. Grounds for discipline - disciplinary actions authorized - procedures. (1) The director may deny, revoke, or suspend the license of, issue a letter of admonition or a confidential letter of concern to, or place on probation a naturopathic doctor for any of the following acts or omissions:

(a) Violating, or aiding or abetting another in the violation of, this article or any rule promulgated by the director pursuant to this article;

(b) Failing to provide information required by or pay a fee assessed in accordance with this article, or providing false, deceptive, or misleading information to the division that the naturopathic doctor knew or reasonably should have known was false, deceptive, or misleading;

(c) Engaging in an act or omission that does not meet generally accepted standards of practice of naturopathic medicine or of safe care for patients, whether or not actual injury to a patient is established;

(d) Habitual or excessive use or abuse of alcohol, a habit-forming drug, or a controlled substance as defined in section 12-22-303 (7);

(e) Procuring or attempting to procure a license in this or any other state or jurisdiction by fraud, deceit, misrepresentation, misleading omission, or material misstatement of fact;

(f) Violation of a law or regulation governing the
PRACTICE OF NATUROPATHIC MEDICINE IN ANOTHER JURISDICTION;

(g) FALSIFYING, REPEATEDLY FAILING TO MAKE ESSENTIAL
ENTRIES IN, OR REPEATEDLY MAKING INCORRECT ESSENTIAL ENTRIES IN
PATIENT RECORDS;

(h) CONVICTION OF A FELONY, AN OFFENSE OF MORAL TURPITUDE,
or a crime that would constitute a violation of this article. For
purposes of this paragraph (h), "CONVICTION" INCLUDES THE ENTRY
OF A PLEA OF GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF A
DEFERRED SENTENCE.

(i) ADVERTISING THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,
DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE
NATUROPATHIC DOCTOR WILL PERFORM ANY ACT PROHIBITED BY THIS
ARTICLE;

(j) ENGAGING IN A SEXUAL ACT WITH A PATIENT DURING THE
COURSE OF PATIENT CARE OR WITHIN SIX MONTHS IMMEDIATELY
FOLLOWING THE TERMINATION OF THE PROFESSIONAL RELATIONSHIP WITH
THE PATIENT. AS USED IN THIS PARAGRAPH (j), "SEXUAL ACT" MEANS
SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL PENETRATION, AS
THOSE TERMS ARE DEFINED IN SECTION 18-3-401, C.R.S.

(k) COMMITTING ABUSE OF HEALTH INSURANCE, AS PROHIBITED BY
SECTION 18-13-119, C.R.S.;

(l) ADVERTISING THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,
DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE
LICENSEE WILL PERFORM ANY ACT PROHIBITED BY SECTION 18-13-119 (3),
C.R.S.;

(m) VIOLATING A VALID ORDER OF THE DIRECTOR;

(n) PRESCRIBING, DISTRIBUTING, INJECTING, ADMINISTERING, OR
ATTEMPTING TO PRESCRIBE, DISTRIBUTE, INJECT, OR ADMINISTER ANY
PRESCRIPTION DRUG, AS DEFINED IN SECTION 12-22-102, TO A PATIENT;

(o) FAILING TO REPORT TO THE DIRECTOR, WITHIN THIRTY DAYS
AFTER AN ADVERSE ACTION, THAT AN ADVERSE ACTION HAS BEEN TAKEN
AGAINST THE LICENSED NATUROPATHIC DOCTOR BY ANOTHER LICENSING
AGENCY IN ANOTHER STATE OR COUNTRY, A PEER REVIEW BODY, A
HEALTH CARE INSTITUTION, A PROFESSIONAL OR NATUROPATHIC MEDICAL
SOCIETY OR ASSOCIATION, A GOVERNMENTAL AGENCY, A LAW
ENFORCEMENT AGENCY, OR A COURT FOR ACTS OR CONDUCT THAT WOULD
CONSTITUTE GROUNDS FOR DISCIPLINARY OR ADVERSE ACTION AS
DESCRIBED IN THIS ARTICLE;

(p) FAILING TO REPORT TO THE DIRECTOR, WITHIN THIRTY DAYS:

(I) THE SURRENDER OF A LICENSE OR OTHER AUTHORIZATION TO
PRACTICE AS A NATUROPATHIC DOCTOR IN ANOTHER STATE OR
JURISDICTION; OR

(II) THE SURRENDER OF MEMBERSHIP ON A MEDICAL STAFF OR IN
A NATUROPATHIC MEDICAL OR PROFESSIONAL ASSOCIATION OR SOCIETY
WHILE UNDER INVESTIGATION BY ANY OF THOSE AUTHORITIES OR BODIES
FOR ACTS OR CONDUCT SIMILAR TO ACTS OR CONDUCT THAT WOULD
CONSTITUTE GROUNDS FOR ACTION AS DESCRIBED IN THIS ARTICLE;

(q) FAILING TO RESPOND TO A COMPLAINT FILED AGAINST THE
NATUROPATHIC DOCTOR;

(r) FAILING TO OBTAIN AND CONTINUALLY MAINTAIN
PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION
12-37.3-113.

(2) IN ADDITION TO OR AS AN ALTERNATIVE TO THE DISCIPLINE
AUTHORIZED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR MAY
ASSESS AN ADMINISTRATIVE FINE OF UP TO FIVE THOUSAND DOLLARS AGAINST A LICENSED NATUROPATHIC DOCTOR WHO COMMITS ANY OF THE ACTS OR OMISSIONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE DIRECTOR SHALL TRANSMIT ANY MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (2) TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL FUND.

(3) THE DIRECTOR SHALL CONDUCT ANY PROCEEDING TO DENY, SUSPEND, OR REVOKE A LICENSE OR PLACE A NATUROPATHIC DOCTOR ON PROBATION IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S. THE DIRECTOR MAY DESIGNATE AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT THE PROCEEDING. THE ADMINISTRATIVE LAW JUDGE SHALL CONDUCT THE PROCEEDING IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S. A FINAL DECISION OF THE DIRECTOR OR THE ADMINISTRATIVE LAW JUDGE IS SUBJECT TO JUDICIAL REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S.

(4) THE DIRECTOR MAY ACCEPT AS PRIMA FACIE EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY DISCIPLINARY ACTION TAKEN AGAINST A LICENSED NATUROPATHIC DOCTOR BY ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

(5) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR OR
ADMINISTRATIVE LAW JUDGE. THE DIRECTOR MAY APPOINT AN
ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF
TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT
THEM TO THE DIRECTOR, INCLUDING HOSPITAL AND NATUROPATHIC
DOCTOR RECORDS. THE PERSON PROVIDING COPIES OF RECORDS SHALL
PREPARE THE COPIES FROM THE ORIGINAL RECORD, DELETING THE NAME
OF THE PATIENT AND INSTEAD IDENTIFYING THE PATIENT BY A NUMBERED
CODE. UPON CERTIFICATION BY THE CUSTODIAN THAT THE COPIES ARE
TRUE AND COMPLETE EXCEPT FOR THE PATIENT'S NAME, THE COPIES ARE
DEEMED AUTHENTIC, SUBJECT TO THE RIGHT TO INSPECT THE ORIGINALS
FOR THE LIMITED PURPOSE OF ASCERTAINING THE ACCURACY OF THE
COPIES. THE COPIES ARE NOT CONFIDENTIAL, AND THE DIRECTOR OR
CUSTODIAN OF THE RECORDS AND THEIR AUTHORIZED EMPLOYEES ARE
NOT LIABLE FOR FURNISHING OR USING THE COPIES IN ACCORDANCE WITH
THIS SECTION.

(b) IF A WITNESS OR NATUROPATHIC DOCTOR FAILS TO COMPLY
WITH A SUBPOENA OR PROCESS, THE DIRECTOR MAY APPLY TO THE
DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR
NATUROPATHIC DOCTOR RESIDES OR CONDUCTS BUSINESS FOR AN ORDER
DIRECTING THE PERSON OR NATUROPATHIC DOCTOR TO APPEAR BEFORE
THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS,
DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE
EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION.
THE DIRECTOR SHALL PROVIDE NOTICE TO THE SUBPOENAED PERSON OR
NATUROPATHIC DOCTOR OF HIS OR HER APPLICATION TO THE DISTRICT
COURT, AND THE COURT SHALL NOT ISSUE THE ORDER ABSENT THE NOTICE.
IF THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR FAILS TO OBEY

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THE COURT'S ORDER, THE COURT MAY HOLD THE PERSON IN CONTEMPT OF COURT.

(6) (a) **When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, the director may issue a letter of admonition to the naturopathic doctor and shall send the letter by certified mail to the licensee.**

(b) **When the director sends a letter of admonition to a licensee, the letter must advise the licensee that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.**

(c) **If the licensee timely requests adjudication, the director shall vacate the letter of admonition and process the matter by means of formal disciplinary proceedings.**

(7) **When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, the director may send the licensee a confidential letter of concern.**

(8) **When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the director shall not resolve the**
COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

(9) (a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a licensee is acting in a manner that is an imminent threat to the health and safety of the public or a person is acting or has acted without the required licensure, the director may issue an order to cease and desist the activity. The order must set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or unlicensed practices immediately cease.

(b) Within ten days after service of the order to cease and desist pursuant to paragraph (a) of this subsection (9), the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. The director or administrative law judge shall conduct the hearing in accordance with sections 24-4-104 and 24-4-105, C.R.S.

(10) (a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a person has violated any other portion of this article, the director may issue to the person an order to show cause as to why the director should not issue a final order directing the person to cease and desist from the unlawful act or unlicensed practice.

(b) The director shall promptly notify the person that he or she has issued an order to show cause to the person. The
NOTICE MUST CONTAIN A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. THE DIRECTOR MAY CAUSE THE NOTICE TO BE SERVED ON THE PERSON BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR IN ANY OTHER MANNER THAT IS PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (10) CONSTITUTES NOTICE TO THE PERSON.

(c) (I) THE DIRECTOR SHALL COMMENCE THE HEARING ON AN ORDER TO SHOW CAUSE NO EARLIER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (10). THE DIRECTOR MAY CONTINUE THE HEARING UPON AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, THE NUMBER OF PARTIES TO THE MATTER, AND THE LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE DIRECTOR CONTINUE THE HEARING MORE THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON THE PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (10) AND OTHER EVIDENCE RELATED TO THE MATTER THAT THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
(III) If the director reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required license or has or is about to engage in acts or practices constituting violations of this article, the director may issue a final cease-and-desist order directing the person to cease and desist from further unlawful acts or unlicensed practices.

(IV) The director shall provide notice, in the manner set forth in paragraph (b) of this subsection (10), of the final cease-and-desist order within ten calendar days after the hearing conducted pursuant to this paragraph (c) to each person against whom the final order has been issued. The final order is effective when issued and is a final order for purposes of judicial review.

(11) The director may enter into a stipulation with a person if it appears to the director, based upon credible evidence presented to the director, that the person has engaged in or is about to engage in:

(a) An unlicensed act or practice;

(b) An act or practice constituting a violation of this article or of any rule promulgated pursuant to this article;

(c) An order issued pursuant to this article; or

(d) An act or practice constituting grounds for administrative sanction pursuant to this article.
(12) If a person fails to comply with a final cease-and-desist order or a stipulation, the director may request the attorney general or the district attorney for the judicial district in which the alleged violation occurred or is occurring to bring, and if so requested the attorney shall bring, suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the final order.

(13) A person aggrieved by the final cease-and-desist order may seek judicial review of the director's determination or of the director's final order in a court of competent jurisdiction.

12-37.3-112. Unauthorized practice - penalties. A person who practices or offers or attempts to practice as a naturopathic doctor without an active license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

12-37.3-113. Professional liability insurance required - vicarious liability. (1) (a) It is unlawful for a person to practice as a naturopathic doctor in this state unless the person is covered by professional liability insurance in an amount not less than five hundred thousand dollars per claim with an aggregate liability limit for all claims during the year of at least one million dollars.

(b) Professional liability insurance required by this section must cover all acts within the scope of practice of a naturopathic doctor.
(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE DIRECTOR, BY RULE, MAY EXEMPT OR ESTABLISH LESSER LIABILITY INSURANCE REQUIREMENTS FOR ANY CLASS OF LICENSEE WHO:

(a) PRACTICES AS A NATUROPATHIC DOCTOR AS AN EMPLOYEE OF THE UNITED STATES GOVERNMENT;

(b) RENDERS LIMITED OR OCCASIONAL NATUROPATHIC MEDICINE SERVICES;

(c) PERFORMS LESS THAN FULL-TIME ACTIVE NATUROPATHIC MEDICINE BECAUSE OF ADMINISTRATIVE OR OTHER NONCLINICAL DUTIES OF PARTIAL OR COMPLETE RETIREMENT;

(d) PROVIDES UNCOMPENSATED NATUROPATHIC MEDICINE CARE TO PATIENTS BUT DOES NOT OTHERWISE PROVIDE COMPENSATED NATUROPATHIC MEDICINE CARE TO PATIENTS; OR

(e) PRACTICES AS A NATUROPATHIC DOCTOR IN A MANNER THAT RENDERS THE AMOUNTS PROVIDED IN SUBSECTION (1) OF THIS SECTION UNREASONABLE OR UNATTAINABLE.

(3) (a) A NATUROPATHIC DOCTOR IS LIABLE FOR HIS OR HER ACTS OR OMISSIONS IN THE PERFORMANCE OF NATUROPATHIC MEDICINE. A LICENSED PHYSICIAN, NURSE, PREHOSPITAL EMERGENCY CARE PROVIDER, OR HEALTH CARE FACILITY IS NOT LIABLE FOR AN ACT OR OMISSION RESULTING FROM THE PERFORMANCE OF NATUROPATHIC MEDICINE BY A NATUROPATHIC DOCTOR.

(b) NOTHING IN THIS SUBSECTION (3) RELIEVES A PHYSICIAN, NURSE, PREHOSPITAL EMERGENCY CARE PROVIDER, OR HEALTH CARE FACILITY FROM LIABILITY FOR ANY WILLFUL, WANTON, OR GROSSLY NEGLIGENT ACT OR OMISSION OF A NATUROPATHIC DOCTOR WHO HAS A BUSINESS OR SUPERVISED RELATIONSHIP WITH THE PHYSICIAN, NURSE,
PREHOSPITAL EMERGENCY CARE PROVIDER, OR HEALTH CARE FACILITY. A PHYSICIAN, NURSE, PREHOSPITAL EMERGENCY CARE PROVIDER, OR HEALTH CARE FACILITY MAY CONSULT WITH OR PROVIDE EDUCATION TO A NATUROPATHIC DOCTOR WITHOUT ESTABLISHING A BUSINESS OR SUPERVISORY RELATIONSHIP WITH THE NATUROPATHIC DOCTOR.

12-37.3-114. Repeal of article. This article is repealed, effective September 1, 2017. Prior to its repeal, the Department of Regulatory Agencies shall review licensing of naturopathic doctors as provided in section 24-34-104, C.R.S.

SECTION 2. 24-34-104 (48.5), Colorado Revised Statutes, is amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (48.5) The following agencies, functions, or both, shall terminate on September 1, 2017:

(a) The domestic violence offender management board created in section 16-11.8-103, C.R.S.

(b) The licensing of naturopathic doctors pursuant to article 37.3 of title 12, C.R.S.

SECTION 3. 24-34-110 (3) (a), Colorado Revised Statutes, is amended by the addition of a new subparagraph to read:

24-34-110. Medical transparency act of 2010 - disclosure of information about health care licensees - fines - rules - short title - legislative declaration. (3) (a) As used in this section, "applicant" means a person applying for a new, active license, certification, or registration or to renew, reinstate, or reactivate an active license, certification, or registration to practice:
(XIX) NATUROPATHIC MEDICINE PURSUANT TO ARTICLE 37.3 OF
TITLE 12, C.R.S.

SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.