

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 11, 2013
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB13-215 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 5, line 2, strike "THERAPY".
- 2 Page 5, line 9, strike "INCLUDE HEALING" and substitute "INCLUDE:
3 (A) HEALING".
- 4 Page 5, strike line 10.
- 5 Page 5, line 11, strike "ENZYMES;" and substitute "DIETARY SUPPLEMENTS,
6 AS DEFINED IN THE FEDERAL "DIETARY SUPPLEMENT HEALTH AND
7 EDUCATION ACT OF 1994", PUB.L. 103-417;" and before "THE" insert
8 "AND".
- 9 Page 5, line 13, strike "AND MIND-BODY" and substitute:
10 "(B) STRESS REDUCTION HEALING PRACTICES; AND
11 (C) MIND-BODY".
- 12 Page 5, line 25, strike "LAW" and substitute "STATUTE".
- 13 Page 6, strike lines 19 and 20 and substitute:
14 "(a) PERFORM SURGERY OR ANY INVASIVE PROCEDURE REQUIRING
15 ENTRY INTO THE BODY THROUGH SKIN, PUNCTURE, MUCOSA, INCISION, OR
16 OTHER INTRUSIVE METHOD, EXCEPT AS PERMITTED UNDER PARAGRAPH (g)

1 OF THIS SUBSECTION (6);".

2 Page 6, strike lines 23 and 24 and substitute:

3 "(c) PRESCRIBE, ADMINISTER, INJECT, OR DISPENSE A PRESCRIPTION
4 OR LEGEND DRUG OR A CONTROLLED SUBSTANCE OR DEVICE IDENTIFIED IN
5 THE FEDERAL "CONTROLLED SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET
6 SEQ., AS AMENDED;

7 (d) USE GENERAL OR SPINAL ANESTHETICS, OTHER THAN TOPICAL
8 ANESTHETICS;

9 (e) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR
10 THERAPEUTIC PURPOSES;

11 (f) USE A LASER DEVICE THAT PUNCTURES THE SKIN, INCISES THE
12 BODY, OR IS OTHERWISE USED AS AN INVASIVE INSTRUMENT. IF A
13 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER USES
14 A LASER DEVICE AS A NONINVASIVE INSTRUMENT, THE LASER DEVICE MUST
15 BE APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR
16 OVER-THE-COUNTER USE.

17 (g) PERFORM ENEMAS OR COLONIC IRRIGATION UNLESS THE
18 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER:

19 (I) MAINTAINS BOARD CERTIFICATION THROUGH THE
20 INTERNATIONAL ASSOCIATION OF COLON HYDROTHERAPY OR THE
21 NATIONAL BOARD FOR COLON HYDROTHERAPY OR THEIR SUCCESSOR
22 ENTITIES;

23 (II) DISCLOSES THAT HE OR SHE IS NOT A PHYSICIAN LICENSED
24 PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S.; AND

25 (III) RECOMMENDS THAT THE CLIENT HAVE A RELATIONSHIP WITH
26 A LICENSED PHYSICIAN;

27 (h) DIRECTLY ADMINISTER MEDICAL PROTOCOLS TO A PREGNANT
28 WOMAN OR TO A CLIENT WHO HAS CANCER;

29 (i) TREAT A CHILD UNDER TWO YEARS OF AGE UNLESS THE
30 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER:

31 (I) OBTAINS THE INFORMED CONSENT OF THE CHILD'S PARENT OR
32 LEGAL GUARDIAN;

33 (II) DISCLOSES THAT HE OR SHE IS NOT A PHYSICIAN LICENSED
34 PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S.; AND

35 (III) RECOMMENDS THAT THE CHILD HAVE A RELATIONSHIP WITH
36 A LICENSED PHYSICIAN WHO IS A BOARD-CERTIFIED PEDIATRICIAN;

37 (j) PROVIDE DENTAL PROCEDURES OR INTERVENTIONS THAT
38 CONSTITUTE THE PRACTICE OF DENTISTRY, AS DEFINED IN ARTICLE 35 OF
39 TITLE 12, C.R.S.;".

1 Reletter succeeding paragraphs accordingly.

2 Page 7, strike lines 15 through 17 and substitute:

3 "(o) RECOMMEND THE DISCONTINUATION OF A COURSE OF CARE,
4 INCLUDING A PRESCRIPTION DRUG, THAT WAS RECOMMENDED OR
5 PRESCRIBED BY ANOTHER HEALTH CARE PROFESSIONAL; OR".

6 Page 8, line 15, strike "AND".

7 Page 8, strike line 19 and substitute "PHYSICIAN, OBSTETRICIAN,
8 GYNECOLOGIST, ONCOLOGIST, CARDIOLOGIST, PEDIATRICIAN, OR OTHER
9 BOARD-CERTIFIED PHYSICIAN; AND

10 (VI) A STATEMENT INDICATING WHETHER OR NOT THE
11 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER IS
12 COVERED BY LIABILITY INSURANCE APPLICABLE TO ANY INJURY CAUSED
13 BY AN ACT OR OMISSION OF THE COMPLEMENTARY AND ALTERNATIVE
14 HEALTH CARE PRACTITIONER IN PROVIDING COMPLEMENTARY AND
15 ALTERNATIVE HEALTH CARE SERVICES PURSUANT TO THIS SECTION."

16 Page 9, strike lines 4 through 9.

17 Reletter succeeding paragraph accordingly.

18 Page 10, after line 2 insert:

19 "(9) (a) A COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
20 PRACTITIONER WHO RENDERS COMPLEMENTARY AND ALTERNATIVE
21 HEALTH CARE SERVICES CONSISTENT WITH THIS SECTION IS NOT ENGAGING
22 IN THE PRACTICE OF MEDICINE, AS DEFINED IN ARTICLE 36 OF TITLE 12,
23 C.R.S., AND IS NOT VIOLATING THE "COLORADO MEDICAL PRACTICE
24 ACT", ARTICLE 36 OF TITLE 12, C.R.S., AS LONG AS THE COMPLEMENTARY
25 AND ALTERNATIVE HEALTH CARE PRACTITIONER DOES NOT ENGAGE IN AN
26 ACT PROHIBITED IN SUBSECTION (6) OF THIS SECTION.

27 (b) NOTHING OTHERWISE AUTHORIZES A COMPLEMENTARY AND
28 ALTERNATIVE HEALTH CARE PRACTITIONER PRACTICING WITHIN THE SCOPE
29 OF PRACTICE IN THIS SECTION TO ENGAGE IN THE PRACTICE OF MEDICINE."

30 Renumber succeeding subsections accordingly.

31 Page 10, line 16, after "CIVIL" insert "OR COMMON LAW".

1 Page 10, after line 18 insert:

2 "(12) NOTHING IN THIS SECTION RELIEVES A LICENSED, CERTIFIED,
3 OR REGISTERED HEALTH CARE PROFESSIONAL FROM LIABILITY ARISING
4 FROM ANY INJURY CAUSED BY THE HEALTH CARE PROFESSIONAL IN THE
5 COURSE OF PROVIDING COMPLEMENTARY OR ALTERNATIVE HEALTH CARE
6 SERVICES."

7 Renumber succeeding subsection accordingly.

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