

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

**INTRODUCED**

LLS NO. 13-0552.01 Christy Chase x2008

**HOUSE BILL 13-1111**

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**HOUSE SPONSORSHIP**

**Ginal**, Hamner, Hullinghorst

**SENATE SPONSORSHIP**

**Newell**, Hill

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**House Committees**

Health, Insurance & Environment

**Senate Committees**

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**A BILL FOR AN ACT**

101 **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 January 1, 2014. The newly created board of naturopathic medicine in the department of regulatory agencies (department) is tasked with all functions necessary to regulate naturopathic doctors, including adopting rules, establishing application

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.*

procedures, approving education and training, and disciplining naturopathic doctors.

To be licensed by the state, a naturopathic doctor must:

- ! Be at least 21 years of age;
- ! Have a bachelor's degree and a doctor of naturopathy degree from an approved naturopathic medical college;
- ! 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 the profession of, holding oneself out as, or claiming to be another licensed health care professional;
- ! Using general or spinal anesthetics; or
- ! Administering ionizing radioactive substances for therapeutic purposes.

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 recommend that patients seeking treatment for cancer consult with 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 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, 2019.

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



1 EDUCATION OR ITS SUCCESSOR ENTITY.

2 (3) "BOARD" MEANS THE BOARD OF NATUROPATHIC MEDICINE  
3 CREATED IN SECTION 12-37.3-103.

4 (4) "CONTINUING PROFESSIONAL COMPETENCY" MEANS THE  
5 ONGOING ABILITY OF A LICENSED NATUROPATHIC DOCTOR TO LEARN,  
6 INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT TO  
7 PRACTICE AS A NATUROPATHIC DOCTOR ACCORDING TO GENERALLY  
8 ACCEPTED STANDARDS AND PROFESSIONAL ETHICAL STANDARDS.

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

10 (6) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND  
11 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

12 (7) "HOMEOPATHIC PREPARATIONS" MEANS MEDICINES PREPARED  
13 ACCORDING TO THE HOMEOPATHIC PHARMACOPOEIA OF THE UNITED  
14 STATES.

15 (8) "MINOR OFFICE PROCEDURES" MEANS:

16 (a) THE USE OF ELECTRICAL OR OTHER METHODS FOR REPAIR AND  
17 CARE OF SUPERFICIAL LACERATIONS, ABRASIONS, AND BENIGN LESIONS;

18 (b) THE REMOVAL OF FOREIGN BODIES LOCATED IN THE  
19 SUPERFICIAL TISSUES, EXCLUDING THE EAR OR EYE; AND

20 (c) THE USE OF ANTISEPTICS AND LOCAL ANESTHETICS IN  
21 CONNECTION WITH MINOR OFFICE SURGICAL PROCEDURES.

22 (9) "NATUROPATHIC DOCTOR" OR "LICENSEE" MEANS A PERSON  
23 WHO IS LICENSED BY THE BOARD TO PRACTICE NATUROPATHIC MEDICINE  
24 PURSUANT TO THIS ARTICLE.

25 (10) "NATUROPATHIC FORMULARY" MEANS THE LIST OF  
26 PRESCRIPTION AND NONPRESCRIPTION CLASSES OF MEDICINES DETERMINED  
27 BY THE BOARD THAT NATUROPATHIC DOCTORS USE IN THE PRACTICE OF

1 NATUROPATHIC MEDICINE.

2 (11) (a) "NATUROPATHIC MEDICINE", AS PERFORMED BY A  
3 NATUROPATHIC DOCTOR, MEANS A SYSTEM OF FAMILY OR PRIMARY  
4 HEALTH CARE PRACTICES FOR THE PREVENTION, DIAGNOSIS, EVALUATION,  
5 AND TREATMENT OF INJURIES, DISEASES, AND CONDITIONS OF THE HUMAN  
6 BODY THROUGH THE USE OF EDUCATION, NUTRITION, HOMEOPATHIC  
7 PREPARATIONS, NATURAL MEDICINES AND THERAPIES, AND OTHER  
8 MODALITIES THAT ARE DESIGNED TO SUPPORT, STIMULATE, OR  
9 SUPPLEMENT THE HUMAN BODY'S OWN NATURAL SELF-HEALING  
10 PROCESSES.

11 (b) "NATUROPATHIC MEDICINE" INCLUDES NATUROPATHIC  
12 PHYSICAL MEDICINE, WHICH CONSISTS OF NATUROPATHIC MANUAL  
13 THERAPY, THE THERAPEUTIC USE OF THE PHYSICAL AGENTS OF AIR,  
14 WATER, HEAT, COLD, SOUND, LIGHT, TOUCH, AND ELECTROMAGNETIC  
15 NONIONIZING RADIATION, AND THE PHYSICAL MODALITIES OF  
16 ELECTROTHERAPY, DIATHERMY, ULTRAVIOLET LIGHT, ULTRASOUND,  
17 HYDROTHERAPY, AND EXERCISE.

18 **12-37.3-103. Board of naturopathic medicine - creation -**  
19 **membership - powers and duties - rules.** (1) (a) THE BOARD OF  
20 NATUROPATHIC MEDICINE IS HEREBY CREATED IN THE DEPARTMENT OF  
21 REGULATORY AGENCIES AS THE ENTITY RESPONSIBLE FOR THE  
22 REGULATION OF THE PRACTICE OF NATUROPATHIC MEDICINE BY  
23 NATUROPATHIC DOCTORS AND THE IMPLEMENTATION OF THIS ARTICLE.

24 (b) (I) THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY  
25 THE GOVERNOR AS FOLLOWS:

26 (A) THREE MEMBERS MUST BE NATUROPATHIC DOCTORS;

27 (B) ONE MEMBER MUST BE A DOCTOR OF MEDICINE OR

1 OSTEOPATHY LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE;

2 (C) ONE MEMBER MUST BE A PHARMACIST LICENSED PURSUANT TO  
3 ARTICLE 42.5 OF THIS TITLE; AND

4 (D) TWO MUST BE FROM THE PUBLIC AT LARGE. THE GOVERNOR  
5 SHALL MAKE EVERY EFFORT TO APPOINT PUBLIC MEMBERS WHO ARE OR  
6 HAVE BEEN CONSUMERS OF NATUROPATHIC MEDICINE.

7 (II) THE GOVERNOR SHALL APPOINT MEMBERS TO THE BOARD NO  
8 LATER THAN JANUARY 1, 2014.

9 (c) (I) EACH MEMBER OF THE BOARD HOLDS OFFICE UNTIL THE  
10 EXPIRATION OF THE MEMBER'S APPOINTED TERM OR UNTIL A SUCCESSOR  
11 IS DULY APPOINTED. EXCEPT AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS  
12 PARAGRAPH (c), THE TERM OF OFFICE OF EACH MEMBER IS FOUR YEARS,  
13 AND A BOARD MEMBER SHALL NOT SERVE MORE THAN TWO CONSECUTIVE  
14 FOUR-YEAR TERMS. THE GOVERNOR SHALL FILL A VACANCY OCCURRING  
15 ON THE BOARD, OTHER THAN BY EXPIRATION OF A TERM, BY APPOINTMENT  
16 FOR THE UNEXPIRED TERM OF THE MEMBER.

17 (II) TO ENSURE STAGGERED TERMS OF OFFICE, THE INITIAL TERM  
18 OF OFFICE OF ONE OF THE NATUROPATHIC DOCTOR BOARD MEMBERS, THE  
19 PHARMACIST BOARD MEMBER, AND ONE OF THE BOARD MEMBERS  
20 REPRESENTING THE PUBLIC IS TWO YEARS. THESE BOARD MEMBERS ARE  
21 ELIGIBLE TO SERVE ONE ADDITIONAL FOUR-YEAR TERM OF OFFICE. ON AND  
22 AFTER THE EXPIRATION OF THESE BOARD MEMBERS' TERMS, THE TERM OF  
23 OFFICE OF PERSONS APPOINTED TO THESE POSITIONS ON THE BOARD IS AS  
24 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), COMMENCING  
25 ON JANUARY 1 OF THE APPLICABLE YEAR.

26 (d) THE GOVERNOR MAY REMOVE ANY BOARD MEMBER FOR  
27 MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY.

1           (2) THE BOARD SHALL ADMINISTER AND ENFORCE THIS ARTICLE  
2 AND RULES ADOPTED UNDER THIS ARTICLE. IN ADDITION TO ANY OTHER  
3 POWERS AND DUTIES GRANTED OR IMPOSED ON THE BOARD UNDER THIS  
4 ARTICLE, THE BOARD SHALL:

5           (a) ADOPT RULES NECESSARY TO ADMINISTER THIS ARTICLE;

6           (b) ESTABLISH THE FORM AND MANNER IN WHICH APPLICANTS ARE  
7 TO APPLY FOR A NEW LICENSE OR TO RENEW A LICENSE;

8           (c) RECEIVE, REVIEW, AND APPROVE OR DENY APPLICATIONS FOR  
9 LICENSES AND ISSUE AND RENEW LICENSES UNDER THIS ARTICLE;

10           (d) ESTABLISH FEES FOR LICENSE APPLICATIONS AND RENEWAL  
11 APPLICATIONS IN THE MANNER AUTHORIZED BY SECTION 24-34-105,  
12 C.R.S.;

13           (e) CONDUCT INVESTIGATIONS, HOLD HEARINGS, TAKE EVIDENCE,  
14 AND PURSUE DISCIPLINARY ACTIONS PURSUANT TO SECTION 12-37.3-111  
15 WITH RESPECT TO COMPLAINTS AGAINST NATUROPATHIC DOCTORS WHEN  
16 THE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT A NATUROPATHIC  
17 DOCTOR IS VIOLATING THIS ARTICLE OR RULES ADOPTED PURSUANT TO  
18 THIS ARTICLE, AND TO SUBPOENA WITNESSES, ADMINISTER OATHS, AND  
19 COMPEL THE TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS,  
20 PAPERS, AND RECORDS RELEVANT TO THOSE INVESTIGATIONS OR  
21 HEARINGS. ANY SUBPOENA ISSUED PURSUANT TO THIS ARTICLE IS  
22 ENFORCEABLE BY THE DISTRICT COURT.

23           (f) PERFORM OTHER FUNCTIONS AND DUTIES NECESSARY TO  
24 ADMINISTER THIS ARTICLE.

25           **12-37.3-104. Practice of naturopathic medicine by**  
26 **naturopathic doctors - exclusions - protected activities.** (1) THE  
27 PRACTICE OF NATUROPATHIC MEDICINE BY A NATUROPATHIC DOCTOR

1 INCLUDES THE FOLLOWING:

2 (a) THE PREVENTION AND TREATMENT OF HUMAN INJURY, DISEASE,  
3 OR CONDITIONS THROUGH EDUCATION OR DIETARY OR NUTRITIONAL  
4 ADVICE, AND THE PROMOTION OF HEALTHY WAYS OF LIVING;

5 (b) THE USE OF PHYSICAL EXAMINATIONS AND THE ORDERING OF  
6 CLINICAL, LABORATORY, AND RADIOLOGICAL DIAGNOSTIC PROCEDURES  
7 FROM LICENSED OR CERTIFIED HEALTH CARE FACILITIES OR LABORATORIES  
8 FOR THE PURPOSE OF DIAGNOSING AND EVALUATING INJURIES, DISEASES,  
9 AND CONDITIONS IN THE HUMAN BODY;

10 (c) DISPENSING, ADMINISTERING, ORDERING, AND PRESCRIBING  
11 MEDICINES LISTED IN THE NATUROPATHIC FORMULARY, THERAPEUTIC  
12 DEVICES, AND BARRIER CONTRACEPTIVES; OR

13 (d) PERFORMING MINOR OFFICE PROCEDURES.

14 (2) A NATUROPATHIC DOCTOR SHALL NOT:

15 (a) PRESCRIBE, DISPENSE, ADMINISTER, OR INJECT A CONTROLLED  
16 SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL "CONTROLLED  
17 SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET SEQ., AS AMENDED, EXCEPT  
18 THOSE CONTROLLED SUBSTANCES LISTED IN THE NATUROPATHIC  
19 FORMULARY;

20 (b) PERFORM SURGICAL PROCEDURES, INCLUDING SURGICAL  
21 PROCEDURES USING A LASER DEVICE OR INVOLVING THE EYE, EAR,  
22 TENDONS, NERVES, VEINS, OR ARTERIES EXTENDING BEYOND SUPERFICIAL  
23 TISSUE;

24 (c) CLAIM TO BE, HOLD ONESELF OUT AS, OR PRACTICE THE  
25 PROFESSION OF A MEDICAL DOCTOR, PHYSICIAN, OSTEOPATH, DENTIST,  
26 PODIATRIST, OPTOMETRIST, PSYCHOLOGIST, ADVANCED PRACTICE NURSE,  
27 PHYSICIAN ASSISTANT, CHIROPRACTOR, PHYSICAL THERAPIST,



1 ACUPUNCTURIST, OR ANY OTHER HEALTH CARE PROFESSIONAL NOT  
2 AUTHORIZED IN THIS ARTICLE, UNLESS THE NATUROPATHIC DOCTOR IS  
3 LICENSED BY THE STATE TO ENGAGE IN THE PARTICULAR PRACTICE;

4 (d) USE GENERAL OR SPINAL ANESTHETICS; OR

5 (e) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR  
6 THERAPEUTIC PURPOSES.

7 (3) NOTHING IN THIS ARTICLE PROHIBITS OR RESTRICTS:

8 (a) A PERSON WHO IS LICENSED, CERTIFIED, OR REGISTERED TO  
9 PRACTICE A PROFESSION OR OCCUPATION UNDER ANY OTHER LAW FROM  
10 ENGAGING IN ACTIVITIES THAT ARE WITHIN THE LAWFUL SCOPE OF  
11 PRACTICE FOR THE PROFESSION OR OCCUPATION FOR WHICH THE PERSON  
12 IS LICENSED, CERTIFIED, OR REGISTERED;

13 (b) A PERSON WHO IS NOT LICENSED AS A NATUROPATHIC DOCTOR  
14 UNDER THIS ARTICLE FROM HOLDING HIMSELF OR HERSELF OUT AND  
15 PRACTICING AS A NATURAL HEALTH CARE PROVIDER OR NATURAL HEALTH  
16 CARE PRACTITIONER, OR USING ANY OTHER TITLE ALLOWED UNDER STATE  
17 LAW, OR ADVISING IN THE USE OF A THERAPY THAT IS WITHIN THE SCOPE  
18 OF PRACTICE OF A NATUROPATHIC DOCTOR AS OUTLINED IN THIS ARTICLE  
19 AS LONG AS:

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

24 (II) THE PERSON DOES NOT REPRESENT OR HOLD HIMSELF OR  
25 HERSELF OUT TO THE PUBLIC AS A NATUROPATHIC DOCTOR OR OTHERWISE  
26 USE ANY NAME, TITLE, OR OTHER DESIGNATION SPECIFIED IN SECTION  
27 12-37.3-109 THAT INDICATES OR IMPLIES THAT HE OR SHE IS LICENSED

1 UNDER THIS ARTICLE TO PRACTICE AS A NATUROPATHIC DOCTOR;

2 (c) THE PRACTICE OF NATUROPATHIC MEDICINE BY A PERSON  
3 EMPLOYED BY THE FEDERAL GOVERNMENT WHILE THE PERSON IS ENGAGED  
4 IN THE PERFORMANCE OF HIS OR HER DUTIES PRESCRIBED BY FEDERAL  
5 LAW;

6 (d) THE PRACTICE OF NATUROPATHIC MEDICINE BY STUDENTS  
7 ENROLLED IN AN APPROVED NATUROPATHIC MEDICAL COLLEGE IF THE  
8 PERFORMANCE OF SERVICES IS PURSUANT TO A COURSE OF INSTRUCTION  
9 OR ASSIGNMENTS FROM AND UNDER THE SUPERVISION OF AN INSTRUCTOR  
10 WHO IS A LICENSED NATUROPATHIC DOCTOR OR A LICENSED PROFESSIONAL  
11 IN THE FIELD IN WHICH HE OR SHE IS PROVIDING INSTRUCTION;

12 (e) ANY PERSON FROM ADMINISTERING A DOMESTIC OR FAMILY  
13 REMEDY TO ONESELF OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY  
14 BASED ON RELIGIOUS OR HEALTH BELIEFS;

15 (f) ANY PERSON FROM RENDERING AID IN AN EMERGENCY WHEN  
16 NO FEE OR OTHER CONSIDERATION OF VALUE FOR THE SERVICES IS  
17 CHARGED, RECEIVED, EXPECTED, OR CONTEMPLATED; OR

18 (g) ANY PERSON ENGAGED IN SELLING VITAMINS, HEALTH FOODS,  
19 DIETARY SUPPLEMENTS, HERBS, OR OTHER NATURAL PRODUCTS, THE SALE  
20 OF WHICH IS NOT OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW,  
21 FROM SELLING OR PROVIDING INFORMATION ABOUT THE PRODUCTS.

22 (4) (a) A NATUROPATHIC DOCTOR HAS THE SAME AUTHORITY AND  
23 IS SUBJECT TO THE SAME RESPONSIBILITIES AS A LICENSED PHYSICIAN  
24 UNDER PUBLIC HEALTH LAWS PERTAINING TO REPORTABLE DISEASES AND  
25 CONDITIONS, COMMUNICABLE DISEASE CONTROL AND PREVENTION, AND  
26 RECORDING OF VITAL STATISTICS AND HEALTH AND PHYSICAL  
27 EXAMINATIONS, SUBJECT TO THE LIMITATIONS OF THE SCOPE OF PRACTICE

1 OF A NATUROPATHIC DOCTOR AS SPECIFIED IN THIS ARTICLE.

2 (b) AT THE REQUEST AND AGREEMENT OF THE PATIENT, A  
3 NATUROPATHIC DOCTOR SHALL COMMUNICATE AND COOPERATE WITH A  
4 PATIENT'S OTHER HEALTH CARE PROVIDERS, IF ANY, TO ENSURE THAT THE  
5 PATIENT RECEIVES COORDINATED CARE.

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

11 **12-37.3-105. License required - qualifications - examination -**  
12 **licensure by endorsement - rules.** (1) EFFECTIVE JANUARY 1, 2014, A  
13 PERSON SHALL NOT PRACTICE AS A NATUROPATHIC DOCTOR IN THIS STATE  
14 WITHOUT A LICENSE.

15 (2) AN APPLICANT FOR A LICENSE TO PRACTICE AS A  
16 NATUROPATHIC DOCTOR IN THIS STATE SHALL SUBMIT AN APPLICATION TO  
17 THE BOARD IN A FORM AND MANNER DETERMINED BY THE BOARD BY RULE,  
18 ACCOMPANIED BY THE FEE REQUIRED PURSUANT TO SECTION  
19 12-37.3-103 (2) (d). THE BOARD SHALL ISSUE A LICENSE TO PRACTICE AS  
20 A NATUROPATHIC DOCTOR TO AN APPLICANT UPON RECEIPT OF  
21 SATISFACTORY PROOF THAT THE APPLICANT:

22 (a) IS AT LEAST TWENTY-ONE YEARS OF AGE AND OF GOOD MORAL  
23 CHARACTER;

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

27 (c) HAS GRADUATED FROM AND HOLDS A DOCTOR OF

1 NATUROPATHIC MEDICINE OR DOCTOR OF NATUROPATHY DEGREE FROM AN  
2 APPROVED NATUROPATHIC MEDICAL COLLEGE;

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

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

16 (3) THE BOARD MAY ISSUE A LICENSE BY ENDORSEMENT TO  
17 ENGAGE IN THE PRACTICE OF NATUROPATHIC MEDICINE TO AN APPLICANT  
18 WHO HAS A LICENSE IN GOOD STANDING AS A NATUROPATHIC DOCTOR  
19 UNDER THE LAWS OF ANOTHER JURISDICTION IF THE APPLICANT PRESENTS  
20 SATISFACTORY PROOF TO THE BOARD THAT, AT THE TIME OF APPLICATION  
21 FOR A COLORADO LICENSE BY ENDORSEMENT, THE APPLICANT POSSESSES  
22 CREDENTIALS AND QUALIFICATIONS THAT ARE SUBSTANTIALLY  
23 EQUIVALENT TO THE REQUIREMENTS OF THIS SECTION. THE BOARD SHALL  
24 PROMULGATE RULES SETTING FORTH THE MANNER IN WHICH THE BOARD  
25 WILL REVIEW CREDENTIALS AND QUALIFICATIONS OF AN APPLICANT.

26 **12-37.3-106. License renewal or reinstatement - fees.** A  
27 NATUROPATHIC DOCTOR SHALL RENEW OR REINSTATE HIS OR HER LICENSE

1 PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR, AND THE  
2 BOARD SHALL RENEW OR REINSTATE A LICENSE IN ACCORDANCE WITH  
3 SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL  
4 FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION  
5 24-34-105, C.R.S., AND SHALL INCREASE RENEWAL FEES CONSISTENT  
6 WITH SECTION 24-34-109 (4), C.R.S., TO FUND THE DIVISION'S AND THE  
7 BOARD'S COSTS IN ADMINISTERING THIS ARTICLE. IF A PERSON FAILS TO  
8 RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY  
9 THE DIRECTOR, THE LICENSE EXPIRES. A PERSON WHOSE LICENSE EXPIRES  
10 IS SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION  
11 24-34-102 (8), C.R.S. THE DIRECTOR SHALL TRANSMIT FEES COLLECTED  
12 PURSUANT TO THIS SECTION OR SECTION 12-37.3-105 TO THE STATE  
13 TREASURER FOR DEPOSIT IN THE DIVISION OF REGISTRATIONS CASH FUND  
14 PURSUANT TO SECTION 24-34-105, C.R.S.

15 **12-37.3-107. Continuing professional competency - rules.**

16 (1) (a) A NATUROPATHIC DOCTOR SHALL MAINTAIN CONTINUING  
17 PROFESSIONAL COMPETENCY TO PRACTICE NATUROPATHIC MEDICINE.

18 (b) THE BOARD SHALL ADOPT RULES ESTABLISHING A CONTINUING  
19 PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT A MINIMUM,  
20 THE FOLLOWING ELEMENTS:

21 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A  
22 NATUROPATHIC DOCTOR SEEKING TO RENEW OR REINSTATE A LICENSE;

23 (II) DEVELOPMENT, EXECUTION, AND DOCUMENTATION OF A  
24 LEARNING PLAN BASED ON THE ASSESSMENT; AND

25 (III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS  
26 THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE AT  
27 LEAST MINIMAL ABILITY TO SAFELY PRACTICE THE PROFESSION; EXCEPT

1 THAT A NATUROPATHIC DOCTOR NEED NOT RETAKE ANY EXAMINATION  
2 REQUIRED BY SECTION 12-37.3-105 (2) (e) FOR INITIAL LICENSURE.

3 (c) THE BOARD SHALL ESTABLISH THAT A NATUROPATHIC DOCTOR  
4 SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF THIS SECTION  
5 IF THE NATUROPATHIC DOCTOR MEETS THE CONTINUING PROFESSIONAL  
6 COMPETENCY REQUIREMENTS OF ONE OF THE FOLLOWING ENTITIES:

7 (I) A STATE DEPARTMENT, INCLUDING CONTINUING PROFESSIONAL  
8 COMPETENCY REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL  
9 ARRANGEMENT WITH A PROVIDER;

10 (II) AN ACCREDITING BODY RECOGNIZED BY THE BOARD; OR

11 (III) AN ENTITY APPROVED BY THE BOARD.

12 (d) (I) AFTER THE PROGRAM IS ESTABLISHED, A NATUROPATHIC  
13 DOCTOR SHALL SATISFY THE REQUIREMENTS OF THE PROGRAM IN ORDER  
14 TO RENEW OR REINSTATE A LICENSE TO PRACTICE NATUROPATHIC  
15 MEDICINE.

16 (II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL  
17 NATUROPATHIC DOCTORS, AND NOTHING IN THIS SECTION REQUIRES A  
18 PERSON WHO EMPLOYS OR CONTRACTS WITH A NATUROPATHIC DOCTOR TO  
19 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

20 (2) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION  
21 DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING  
22 PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT  
23 SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION  
24 WITH A CIVIL ACTION AGAINST A NATUROPATHIC DOCTOR. NEITHER THE  
25 BOARD NOR ANY OTHER PERSON SHALL USE THE RECORDS OR DOCUMENTS  
26 UNLESS USED BY THE BOARD TO DETERMINE WHETHER A NATUROPATHIC  
27 DOCTOR IS MAINTAINING CONTINUING PROFESSIONAL COMPETENCY TO

1 ENGAGE IN THE PROFESSION.

2 **12-37.3-108. Compliance with transparency requirements.** A  
3 NATUROPATHIC DOCTOR SHALL COMPLY WITH SECTION 24-34-110, C.R.S.,  
4 REGARDING THE DISCLOSURE OF INFORMATION TO THE DIRECTOR.

5 **12-37.3-109. Persons entitled to practice as naturopathic**  
6 **doctors - title protection for naturopathic doctors.** (1) A PERSON  
7 SHALL NOT HOLD HIMSELF OR HERSELF OUT AS A NATUROPATHIC DOCTOR  
8 OR USE ANY OF THE TITLES OR INITIALS REFERRED TO IN SUBSECTION (2)  
9 OF THIS SECTION UNLESS THE PERSON IS LICENSED AS A NATUROPATHIC  
10 DOCTOR PURSUANT TO THIS ARTICLE.

11 (2) A NATUROPATHIC DOCTOR MAY USE THE TITLE  
12 "NATUROPATHIC DOCTOR", "DOCTOR OF NATUROPATHY", OR  
13 "NATUROPATH", OR THE INITIALS "N.D." OR "N.M.D."

14 (3) A NATUROPATHIC DOCTOR SHALL NOT USE THE TERM  
15 "PHYSICIAN".

16 (4) NOTHING IN THIS SECTION PREVENTS A NATUROPATHIC DOCTOR  
17 FROM DISCLOSING MEMBERSHIP IN NATIONAL ORGANIZATIONS OR  
18 ASSOCIATIONS OF NATUROPATHIC PHYSICIANS.

19 **12-37.3-110. Disclosures - record-keeping.** (1) A  
20 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION  
21 IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE BOARD:

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

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

25 (c) A STATEMENT THAT NATUROPATHIC DOCTORS ARE LICENSED  
26 BY THE STATE TO PRACTICE NATUROPATHIC MEDICINE UNDER THE  
27 "NATUROPATHIC DOCTOR ACT";

1 (d) THE PROHIBITIONS SPECIFIED IN SECTION 12-37.3-104 (2);

2 (e) THE STATES IN WHICH THE NATUROPATHIC DOCTOR HOLDS AN  
3 ACTIVE LICENSE OR REGISTRATION; AND

4 (f) HOW TO FILE A COMPLAINT AGAINST A NATUROPATHIC DOCTOR.

5 (2) A NATUROPATHIC DOCTOR SHALL OBTAIN A WRITTEN  
6 ACKNOWLEDGMENT FROM THE PATIENT STATING THAT THE PATIENT HAS  
7 BEEN PROVIDED THE INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS  
8 SECTION. THE NATUROPATHIC DOCTOR SHALL MAINTAIN THE  
9 ACKNOWLEDGMENT FOR SEVEN YEARS AFTER THE DATE ON WHICH THE  
10 LAST SERVICES WERE PROVIDED TO THE PATIENT.

11 (3) IF A NATUROPATHIC DOCTOR TREATS ANY PATIENT WHO IS  
12 SEEKING TREATMENT FOR CANCER, THE NATUROPATHIC DOCTOR SHALL  
13 RECOMMEND TO THE PATIENT THAT THE PATIENT CONSULT WITH A  
14 LICENSED PHYSICIAN SPECIALIZING IN ONCOLOGY.

15 **12-37.3-111. Grounds for discipline - disciplinary actions**  
16 **authorized - procedures.** (1) THE BOARD MAY DENY, REVOKE, OR  
17 SUSPEND THE LICENSE OF, ISSUE A LETTER OF ADMONITION OR A  
18 CONFIDENTIAL LETTER OF CONCERN TO, OR PLACE ON PROBATION A  
19 NATUROPATHIC DOCTOR FOR ANY OF THE FOLLOWING ACTS OR OMISSIONS:

20 (a) VIOLATING, OR AIDING OR ABETTING ANOTHER IN THE  
21 VIOLATION OF, THIS ARTICLE OR ANY RULE PROMULGATED BY THE BOARD  
22 PURSUANT TO THIS ARTICLE;

23 (b) FAILING TO PROVIDE INFORMATION REQUIRED BY OR PAY A FEE  
24 ASSESSED IN ACCORDANCE WITH THIS ARTICLE, OR PROVIDING FALSE,  
25 DECEPTIVE, OR MISLEADING INFORMATION TO THE BOARD THAT THE  
26 NATUROPATHIC DOCTOR KNEW OR REASONABLY SHOULD HAVE KNOWN  
27 WAS FALSE, DECEPTIVE, OR MISLEADING;



1 (c) ENGAGING IN AN ACT OR OMISSION THAT DOES NOT MEET  
2 GENERALLY ACCEPTED STANDARDS OF PRACTICE OF NATUROPATHIC  
3 MEDICINE OR OF SAFE CARE FOR PATIENTS, WHETHER OR NOT ACTUAL  
4 INJURY TO A PATIENT IS ESTABLISHED;

5 (d) HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL, A  
6 HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE AS DEFINED IN  
7 SECTION 18-18-102 (5), C.R.S.;

8 (e) PROCURING OR ATTEMPTING TO PROCURE A LICENSE IN THIS OR  
9 ANY OTHER STATE OR JURISDICTION BY FRAUD, DECEIT,  
10 MISREPRESENTATION, MISLEADING OMISSION, OR MATERIAL  
11 MISSTATEMENT OF FACT;

12 (f) VIOLATION OF A LAW OR REGULATION GOVERNING THE  
13 PRACTICE OF NATUROPATHIC MEDICINE IN ANOTHER JURISDICTION;

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

17 (h) CONVICTION OF A FELONY, AN OFFENSE OF MORAL TURPITUDE,  
18 OR A CRIME THAT WOULD CONSTITUTE A VIOLATION OF THIS ARTICLE. FOR  
19 PURPOSES OF THIS PARAGRAPH (h), "CONVICTION" INCLUDES THE ENTRY  
20 OF A PLEA OF GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF A  
21 DEFERRED SENTENCE.

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

26 (j) ENGAGING IN A SEXUAL ACT WITH A PATIENT DURING THE  
27 COURSE OF PATIENT CARE OR WITHIN SIX MONTHS IMMEDIATELY

1 FOLLOWING THE TERMINATION OF THE PROFESSIONAL RELATIONSHIP WITH  
2 THE PATIENT. AS USED IN THIS PARAGRAPH (j), "SEXUAL ACT" MEANS  
3 SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL PENETRATION, AS  
4 THOSE TERMS ARE DEFINED IN SECTION 18-3-401, C.R.S.

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

7 (l) ADVERTISING THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,  
8 DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE  
9 NATUROPATHIC DOCTOR WILL PERFORM ANY ACT PROHIBITED BY SECTION  
10 18-13-119 (3), C.R.S.;

11 (m) VIOLATING A VALID ORDER OF THE BOARD;

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

20 (o) FAILING TO REPORT TO THE BOARD, WITHIN THIRTY DAYS:

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

24 (II) THE SURRENDER OF MEMBERSHIP ON A MEDICAL STAFF OR IN  
25 A NATUROPATHIC MEDICAL OR PROFESSIONAL ASSOCIATION OR SOCIETY  
26 WHILE UNDER INVESTIGATION BY ANY OF THOSE AUTHORITIES OR BODIES  
27 FOR ACTS OR CONDUCT SIMILAR TO ACTS OR CONDUCT THAT WOULD

1 CONSTITUTE GROUNDS FOR ACTION AS DESCRIBED IN THIS ARTICLE;

2 (p) (I) FAILING TO NOTIFY THE BOARD OF A PHYSICAL OR MENTAL  
3 ILLNESS OR CONDITION THAT AFFECTS THE NATUROPATHIC DOCTOR'S  
4 ABILITY TO TREAT PATIENTS WITH REASONABLE SKILL AND SAFETY OR  
5 THAT MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR  
6 HER CARE;

7 (II) FAILING TO ACT WITHIN THE LIMITATIONS CREATED BY A  
8 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE  
9 NATUROPATHIC DOCTOR UNABLE TO PRACTICE NATUROPATHIC MEDICINE  
10 WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE  
11 HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER CARE; OR

12 (III) FAILING TO COMPLY WITH THE LIMITATIONS AGREED TO  
13 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION  
14 12-37.3-115;

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

17 (r) FAILING TO OBTAIN AND CONTINUALLY MAINTAIN  
18 PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION  
19 12-37.3-113.

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

1           (3) ANY PERSON WHOSE LICENSE IS REVOKED IS INELIGIBLE TO  
2 APPLY FOR A LICENSE UNDER THIS ARTICLE FOR AT LEAST TWO YEARS  
3 AFTER THE DATE OF REVOCATION OF THE LICENSE. THE BOARD SHALL  
4 TREAT A SUBSEQUENT APPLICATION FOR LICENSURE FROM A PERSON  
5 WHOSE LICENSE WAS REVOKED AS AN APPLICATION FOR A NEW LICENSE  
6 UNDER THIS ARTICLE.

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

17           (5) THE BOARD MAY ACCEPT AS PRIMA FACIE EVIDENCE OF  
18 GROUNDS FOR DISCIPLINARY ACTION ANY DISCIPLINARY ACTION TAKEN  
19 AGAINST A NATUROPATHIC DOCTOR BY ANOTHER JURISDICTION IF THE  
20 VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION WOULD BE  
21 GROUNDS FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

22           (6) (a) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE MAY  
23 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE  
24 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE  
25 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY  
26 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,  
27 ACCUSATION, OR OTHER MATTER BEFORE THE BOARD OR ADMINISTRATIVE

1 LAW JUDGE. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE  
2 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE  
3 EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD,  
4 INCLUDING HOSPITAL AND NATUROPATHIC DOCTOR RECORDS. THE PERSON  
5 PROVIDING COPIES OF RECORDS SHALL PREPARE THE COPIES FROM THE  
6 ORIGINAL RECORD, DELETING THE NAME OF THE PATIENT AND INSTEAD  
7 IDENTIFYING THE PATIENT BY A NUMBERED CODE. UPON CERTIFICATION  
8 BY THE CUSTODIAN THAT THE COPIES ARE TRUE AND COMPLETE EXCEPT  
9 FOR THE PATIENT'S NAME, THE COPIES ARE DEEMED AUTHENTIC, SUBJECT  
10 TO THE RIGHT TO INSPECT THE ORIGINALS FOR THE LIMITED PURPOSE OF  
11 ASCERTAINING THE ACCURACY OF THE COPIES. THE COPIES ARE NOT  
12 CONFIDENTIAL, AND THE BOARD OR CUSTODIAN OF THE RECORDS AND  
13 THEIR AUTHORIZED EMPLOYEES ARE NOT LIABLE FOR FURNISHING OR  
14 USING THE COPIES IN ACCORDANCE WITH THIS SECTION.

15 (b) IF A WITNESS OR NATUROPATHIC DOCTOR FAILS TO COMPLY  
16 WITH A SUBPOENA OR PROCESS, THE BOARD MAY APPLY TO THE DISTRICT  
17 COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR  
18 NATUROPATHIC DOCTOR RESIDES OR CONDUCTS BUSINESS FOR AN ORDER  
19 DIRECTING THE PERSON OR NATUROPATHIC DOCTOR TO APPEAR BEFORE  
20 THE BOARD; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS,  
21 DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE  
22 EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION.  
23 THE BOARD SHALL PROVIDE NOTICE TO THE SUBPOENAED PERSON OR  
24 NATUROPATHIC DOCTOR OF HIS OR HER APPLICATION TO THE DISTRICT  
25 COURT, AND THE COURT SHALL NOT ISSUE THE ORDER ABSENT THE NOTICE.  
26 IF THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR FAILS TO OBEY  
27 THE COURT'S ORDER, THE COURT MAY HOLD THE PERSON IN CONTEMPT OF

1 COURT.

2 (7) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
3 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES  
4 NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE  
5 DISMISSED AS BEING WITHOUT MERIT, THE BOARD MAY ISSUE A LETTER OF  
6 ADMONITION TO THE NATUROPATHIC DOCTOR AND SHALL SEND THE  
7 LETTER BY CERTIFIED MAIL TO THE LICENSEE.

8 (b) WHEN THE BOARD SENDS A LETTER OF ADMONITION TO A  
9 LICENSEE, THE LETTER MUST ADVISE THE LICENSEE THAT HE OR SHE HAS  
10 THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT  
11 OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED  
12 TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER  
13 OF ADMONITION IS BASED.

14 (c) IF THE LICENSEE TIMELY REQUESTS ADJUDICATION, THE BOARD  
15 SHALL VACATE THE LETTER OF ADMONITION AND PROCESS THE MATTER BY  
16 MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

17 (8) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
18 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE  
19 BOARD AND, IN THE OPINION OF THE BOARD, SHOULD BE DISMISSED, BUT  
20 THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY  
21 THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT  
22 CORRECTED, THE BOARD MAY SEND THE LICENSEE A CONFIDENTIAL  
23 LETTER OF CONCERN.

24 (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
25 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD,  
26 WARRANTS FORMAL ACTION, THE BOARD SHALL NOT RESOLVE THE  
27 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR

1 PROSECUTION.

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

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

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

24 (b) THE BOARD SHALL PROMPTLY NOTIFY THE PERSON THAT HE OR  
25 SHE HAS BEEN ISSUED AN ORDER TO SHOW CAUSE. THE BOARD SHALL  
26 INCLUDE IN THE NOTICE A COPY OF THE ORDER, THE FACTUAL AND LEGAL  
27 BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING

1 ON THE ORDER. THE BOARD MAY SERVE THE NOTICE ON THE PERSON BY  
2 PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE  
3 PREPAID, OR IN ANY OTHER MANNER THAT IS PRACTICABLE. PERSONAL  
4 SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS  
5 SUBSECTION (11) CONSTITUTES NOTICE TO THE PERSON.

6 (c) (I) THE BOARD SHALL COMMENCE THE HEARING ON AN ORDER  
7 TO SHOW CAUSE NO EARLIER THAN TEN AND NO LATER THAN FORTY-FIVE  
8 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE  
9 NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS  
10 SUBSECTION (11). THE BOARD MAY CONTINUE THE HEARING UPON  
11 AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE  
12 MATTER, THE NUMBER OF PARTIES TO THE MATTER, AND THE LEGAL ISSUES  
13 PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE BOARD  
14 CONTINUE THE HEARING MORE THAN SIXTY CALENDAR DAYS AFTER THE  
15 DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

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

27 (III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST



1 WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED  
2 WITHOUT THE REQUIRED LICENSE OR HAS OR IS ABOUT TO ENGAGE IN ACTS  
3 OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, THE BOARD  
4 MAY ISSUE A FINAL CEASE-AND-DESIST ORDER DIRECTING THE PERSON TO  
5 CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED  
6 PRACTICES.

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

14 (12) THE BOARD MAY ENTER INTO A STIPULATION WITH A PERSON  
15 IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE  
16 PRESENTED TO THE BOARD, THAT THE PERSON HAS ENGAGED IN OR IS  
17 ABOUT TO ENGAGE IN:

18 (a) AN UNLICENSED ACT OR PRACTICE;

19 (b) AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS  
20 ARTICLE OR OF ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE;

21 (c) AN ORDER ISSUED PURSUANT TO THIS ARTICLE; OR

22 (d) AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR  
23 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE.

24 (13) IF A PERSON FAILS TO COMPLY WITH A FINAL  
25 CEASE-AND-DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST  
26 THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL  
27 DISTRICT IN WHICH THE ALLEGED VIOLATION OCCURRED OR IS OCCURRING

1 TO BRING, AND IF SO REQUESTED THE ATTORNEY SHALL BRING, SUIT FOR  
2 A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO  
3 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

4 (14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST  
5 ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR  
6 OF THE BOARD'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

7 **12-37.3-112. Unauthorized practice - penalties.** A PERSON WHO  
8 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A NATUROPATHIC  
9 DOCTOR WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE  
10 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED  
11 IN SECTION 18-1.3-501, C.R.S.

12 **12-37.3-113. Professional liability insurance required -**  
13 **vicarious liability - rules.** (1) (a) IT IS UNLAWFUL FOR A PERSON TO  
14 PRACTICE AS A NATUROPATHIC DOCTOR IN THIS STATE UNLESS THE PERSON  
15 IS COVERED BY PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT  
16 LESS THAN FIVE HUNDRED THOUSAND DOLLARS PER CLAIM WITH AN  
17 AGGREGATE LIABILITY LIMIT FOR ALL CLAIMS DURING THE YEAR OF AT  
18 LEAST ONE MILLION DOLLARS.

19 (b) PROFESSIONAL LIABILITY INSURANCE REQUIRED BY THIS  
20 SECTION MUST COVER ALL ACTS WITHIN THE SCOPE OF PRACTICE OF A  
21 NATUROPATHIC DOCTOR.

22 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE  
23 BOARD, BY RULE, MAY EXEMPT OR ESTABLISH LESSER LIABILITY  
24 INSURANCE REQUIREMENTS FOR ANY CLASS OF LICENSEE WHO:

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

27 (b) RENDERS LIMITED OR OCCASIONAL NATUROPATHIC MEDICINE

1 SERVICES;

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

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

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

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

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

27 **12-37.3-114. Protection of medical records - licensee's**

1 **obligations - verification of compliance - noncompliance grounds for**  
2 **discipline - rules.** (1) EACH NATUROPATHIC DOCTOR SHALL DEVELOP A

3 WRITTEN PLAN TO ENSURE THE SECURITY OF PATIENT MEDICAL RECORDS.  
4 THE PLAN MUST ADDRESS AT LEAST THE FOLLOWING:

5 (a) THE STORAGE AND PROPER DISPOSAL OF PATIENT MEDICAL  
6 RECORDS;

7 (b) THE DISPOSITION OF PATIENT MEDICAL RECORDS IN THE EVENT  
8 THE NATUROPATHIC DOCTOR DIES, RETIRES, OR OTHERWISE CEASES TO  
9 PRACTICE OR PROVIDE NATUROPATHIC MEDICAL CARE TO PATIENTS; AND

10 (c) THE METHOD BY WHICH PATIENTS MAY ACCESS OR OBTAIN  
11 THEIR MEDICAL RECORDS PROMPTLY IF ANY OF THE EVENTS DESCRIBED IN  
12 PARAGRAPH (b) OF THIS SUBSECTION (1) OCCURS.

13 (2) UPON INITIAL LICENSURE UNDER THIS ARTICLE AND UPON  
14 RENEWAL OF A LICENSE, THE APPLICANT OR LICENSEE SHALL ATTEST TO  
15 THE BOARD THAT HE OR SHE HAS DEVELOPED A PLAN IN COMPLIANCE WITH  
16 THIS SECTION.

17 (3) A NATUROPATHIC DOCTOR SHALL INFORM EACH PATIENT IN  
18 WRITING OF THE METHOD BY WHICH THE PATIENT MAY ACCESS OR OBTAIN  
19 HIS OR HER MEDICAL RECORDS IF AN EVENT DESCRIBED IN PARAGRAPH (b)  
20 OF SUBSECTION (1) OF THIS SECTION OCCURS.

21 (4) THE BOARD MAY ADOPT RULES REASONABLY NECESSARY TO  
22 IMPLEMENT THIS SECTION.

23 **12-37.3-115. Confidential agreement to limit practice -**  
24 **violation - grounds for discipline.** (1) IF A NATUROPATHIC DOCTOR HAS  
25 A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS HIM OR  
26 HER UNABLE TO PRACTICE NATUROPATHIC MEDICINE WITH REASONABLE  
27 SKILL AND SAFETY TO PATIENTS, THE NATUROPATHIC DOCTOR SHALL

1 NOTIFY THE BOARD OF THE ILLNESS OR CONDITION IN A MANNER AND  
2 WITHIN A PERIOD DETERMINED BY THE BOARD. THE BOARD MAY REQUIRE  
3 THE NATUROPATHIC DOCTOR TO SUBMIT TO AN EXAMINATION TO  
4 EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON  
5 THE NATUROPATHIC DOCTOR'S ABILITY TO PRACTICE NATUROPATHIC  
6 MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

7 (2) (a) UPON DETERMINING THAT A NATUROPATHIC DOCTOR WITH  
8 A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER  
9 LIMITED SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS,  
10 THE BOARD MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE  
11 NATUROPATHIC DOCTOR IN WHICH THE NATUROPATHIC DOCTOR AGREES  
12 TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY  
13 THE ILLNESS OR CONDITION, AS DETERMINED BY THE BOARD.

14 (b) AS PART OF THE AGREEMENT, THE NATUROPATHIC DOCTOR IS  
15 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED  
16 APPROPRIATE BY THE BOARD.

17 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS  
18 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR MONITORING.

19 (3) BY ENTERING INTO AN AGREEMENT WITH THE BOARD  
20 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, A  
21 NATUROPATHIC DOCTOR IS NOT ENGAGING IN ACTIVITIES THAT ARE  
22 PROHIBITED PURSUANT TO SECTION 12-37.3-111. THE AGREEMENT DOES  
23 NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER,  
24 IF THE NATUROPATHIC DOCTOR FAILS TO COMPLY WITH THE TERMS OF AN  
25 AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE FAILURE  
26 CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION 12-37.3-111  
27 (1) (p), AND THE NATUROPATHIC DOCTOR IS SUBJECT TO DISCIPLINE IN

1 ACCORDANCE WITH SECTION 12-37.3-111.

2 (4) THIS SECTION DOES NOT APPLY TO A NATUROPATHIC DOCTOR  
3 SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES AS DESCRIBED IN  
4 SECTION 12-37.3-111 (1) (d).

5 **12-37.3-116. Repeal of article.** THIS ARTICLE IS REPEALED,  
6 EFFECTIVE SEPTEMBER 1, 2019. PRIOR TO THE REPEAL, THE DEPARTMENT  
7 OF REGULATORY AGENCIES SHALL REVIEW LICENSING OF NATUROPATHIC  
8 DOCTORS AS PROVIDED IN SECTION 24-34-104, C.R.S.

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**  
10 (50.5) (h) as follows:

11 **24-34-104. General assembly review of regulatory agencies**  
12 **and functions for termination, continuation, or reestablishment.**

13 (50.5) The following agencies, functions, or both, terminate on  
14 September 1, 2019:

15 (h) THE LICENSING OF NATUROPATHIC DOCTORS BY THE BOARD OF  
16 NATUROPATHIC MEDICINE PURSUANT TO ARTICLE 37.3 OF TITLE 12, C.R.S.

17 **SECTION 3.** In Colorado Revised Statutes, 24-34-110, **add** (3)  
18 (a) (XXI) as follows:

19 **24-34-110. Medical transparency act of 2010 - disclosure of**  
20 **information about health care licensees - fines - rules - short title -**  
21 **legislative declaration.** (3) (a) As used in this section, "applicant" means  
22 a person applying for a new, active license, certification, or registration  
23 or to renew, reinstate, or reactivate an active license, certification, or  
24 registration to practice:

25 (XXI) NATUROPATHIC MEDICINE PURSUANT TO ARTICLE 37.3 OF  
26 TITLE 12, C.R.S.

27 **SECTION 4. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly (August  
3 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
4 referendum petition is filed pursuant to section 1 (3) of article V of the  
5 state constitution against this act or an item, section, or part of this act  
6 within such period, then the act, item, section, or part will not take effect  
7 unless approved by the people at the general election to be held in  
8 November 2014 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor.