

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

REENGROSSED

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

LLS NO. 13-0552.01 Christy Chase x2008

HOUSE BILL 13-1111

HOUSE SPONSORSHIP

Ginal, Hamner, Hullinghorst

SENATE SPONSORSHIP

Newell, Hill

House Committees

Health, Insurance & Environment
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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

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 25, 2013

HOUSE
Amended 2nd Reading
March 22, 2013

(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 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 37.3 to
3 title 12 as follows:

4 **ARTICLE 37.3**

5 **Naturopathic Doctors**

6 **12-37.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
7 MAY BE CITED AS THE "NATUROPATHIC DOCTOR ACT".

8 **12-37.3-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "ADVISORY COMMITTEE" MEANS THE NATUROPATHIC MEDICINE
11 ADVISORY COMMITTEE CREATED IN SECTION 12-37.3-103.

12 (2) "APPROVED CLINICAL TRAINING" MEANS CLINICAL TRAINING
13 IN NATUROPATHIC MEDICINE IN AN INPATIENT OR OUTPATIENT SETTING
14 THAT HAS BEEN APPROVED BY THE DIRECTOR. "APPROVED CLINICAL
15 TRAINING" MAY INCLUDE COMPONENTS OF ALLOPATHIC MEDICINE IN
16 ADDITION TO NATUROPATHIC MEDICINE.

17 (3) "APPROVED NATUROPATHIC MEDICAL COLLEGE" MEANS:

18 (a) A NATUROPATHIC MEDICAL EDUCATION PROGRAM IN THE
19 UNITED STATES OR CANADA THAT GRANTS THE DEGREE OF DOCTOR OF
20 NATUROPATHIC MEDICINE OR DOCTOR OF NATUROPATHY AND THAT:

21 (I) IS APPROVED BY THE DIRECTOR;

22 (II) OFFERS GRADUATE-LEVEL, FULL-TIME DIDACTIC AND
23 SUPERVISED CLINICAL TRAINING; AND

24 (III) IS ACCREDITED OR HAS ACHIEVED CANDIDACY STATUS FOR
25 ACCREDITATION BY THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION
26 OR AN EQUIVALENT ACCREDITING BODY FOR NATUROPATHIC MEDICAL
27 PROGRAMS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF

1 EDUCATION; OR

2 (b) ANY OTHER COLLEGE OR PROGRAM APPROVED BY THE

3 DIRECTOR AND ACCREDITED BY THE COUNCIL ON NATUROPATHIC MEDICAL

4 EDUCATION OR ITS SUCCESSOR ENTITY.

5 (4) "CONTINUING PROFESSIONAL COMPETENCY" MEANS THE

6 ONGOING ABILITY OF A NATUROPATHIC DOCTOR TO LEARN, INTEGRATE,

7 AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT TO PRACTICE AS A

8 NATUROPATHIC DOCTOR ACCORDING TO GENERALLY ACCEPTED

9 STANDARDS AND PROFESSIONAL ETHICAL STANDARDS.

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

11 (6) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND

12 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

13 (7) "HOMEOPATHIC PREPARATIONS" MEANS MEDICINES PREPARED

14 ACCORDING TO THE MOST CURRENT VERSION OF THE HOMEOPATHIC

15 PHARMACOPOEIA OF THE UNITED STATES, REVISED SERVICES.

16 (8) "MINOR OFFICE PROCEDURES" MEANS:

17 (a) THE REPAIR, CARE, AND SUTURING OF SUPERFICIAL

18 LACERATIONS, ABRASIONS, AND BENIGN LESIONS;

19 (b) THE REMOVAL OF FOREIGN BODIES LOCATED IN SUPERFICIAL

20 TISSUE, EXCLUDING THE EAR OR EYE; AND

21 (c) THE USE OF ANTISEPTICS AND LOCAL ANESTHETICS IN

22 CONNECTION WITH A PROCEDURE DESCRIBED IN PARAGRAPH (a) OR (b) OF

23 THIS SUBSECTION (8).

24 (9) "NATURAL HEALTH CARE SERVICES" OR "NATURAL HEALTH

25 CARE" INCLUDES:

26 (a) HEALING PRACTICES USING FOOD; FOOD EXTRACTS;

27 OVER-THE-COUNTER DIETARY SUPPLEMENTS, INCLUDING VITAMINS,

1 HERBS, MINERALS, AND ENZYMES; NUTRIENTS; HOMEOPATHIC REMEDIES
2 AND PREPARATIONS; THE PHYSICAL FORCES OF HEAT, COLD, WATER,
3 TOUCH, SOUND, AND LIGHT; AND MIND-BODY AND ENERGETIC HEALING
4 PRACTICES;

5 (b) EDUCATION, COUNSELING, OR ADVICE REGARDING HEALING
6 PRACTICES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9) AND
7 THEIR EFFECTS ON THE STRUCTURE AND FUNCTIONS OF THE HUMAN BODY;
8 AND

9 (c) SERVICES OR CARE AS MAY BE FURTHER DEFINED BY THE
10 DIRECTOR BY RULE.

11 (10) "NATUROPATHIC DOCTOR" OR "REGISTRANT" MEANS A
12 PERSON WHO IS REGISTERED BY THE DIRECTOR TO PRACTICE
13 NATUROPATHIC MEDICINE PURSUANT TO THIS ARTICLE.

14 (11) "NATUROPATHIC FORMULARY" MEANS THE LIST OF
15 NONPRESCRIPTION CLASSES OF MEDICINES DETERMINED BY THE DIRECTOR
16 THAT NATUROPATHIC DOCTORS USE IN THE PRACTICE OF NATUROPATHIC
17 MEDICINE.

18 (12) (a) "NATUROPATHIC MEDICINE", AS PERFORMED BY A
19 NATUROPATHIC DOCTOR, MEANS A SYSTEM OF HEALTH CARE FOR THE
20 PREVENTION, DIAGNOSIS, EVALUATION, AND TREATMENT OF INJURIES,
21 DISEASES AND CONDITIONS OF THE HUMAN BODY THROUGH THE USE OF
22 EDUCATION, NUTRITION, NATUROPATHIC PREPARATIONS, NATURAL
23 MEDICINES AND OTHER THERAPIES, AND OTHER MODALITIES THAT ARE
24 DESIGNED TO SUPPORT OR SUPPLEMENT THE HUMAN BODY'S OWN NATURAL
25 SELF-HEALING PROCESSES.

26 (b) "NATUROPATHIC MEDICINE" INCLUDES NATUROPATHIC
27 PHYSICAL MEDICINE, WHICH CONSISTS OF NATUROPATHIC MANUAL

1 THERAPY, THE THERAPEUTIC USE OF THE PHYSICAL AGENTS OF AIR,
2 WATER, HEAT, COLD, SOUND, LIGHT, TOUCH, AND ELECTROMAGNETIC
3 NONIONIZING RADIATION, AND THE PHYSICAL MODALITIES OF
4 ELECTROTHERAPY, DIATHERMY, ULTRAVIOLET LIGHT, ULTRASOUND,
5 HYDROTHERAPY, AND EXERCISE.

6 **12-37.3-103. Naturopathic medicine advisory committee -**
7 **creation - membership - duties.** (1) (a) THE NATUROPATHIC MEDICINE
8 ADVISORY COMMITTEE IS HEREBY CREATED IN THE DEPARTMENT OF
9 REGULATORY AGENCIES AS THE ENTITY RESPONSIBLE FOR ADVISING THE
10 DIRECTOR IN THE REGULATION OF THE PRACTICE OF NATUROPATHIC
11 MEDICINE BY NATUROPATHIC DOCTORS AND THE IMPLEMENTATION OF THIS
12 ARTICLE.

13 (b) (I) THE ADVISORY COMMITTEE CONSISTS OF SEVEN MEMBERS
14 APPOINTED BY THE DIRECTOR AS FOLLOWS:

15 (A) THREE MEMBERS WHO ARE NATUROPATHIC DOCTORS;

16 (B) ONE MEMBER WHO IS A DOCTOR OF MEDICINE OR OSTEOPATHY
17 LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE;

18 (C) ONE MEMBER WHO IS A PHARMACIST LICENSED PURSUANT TO
19 ARTICLE 42.5 OF THIS TITLE; AND

20 (D) TWO MEMBERS FROM THE PUBLIC AT LARGE. THE DIRECTOR
21 SHALL MAKE REASONABLE EFFORTS TO APPOINT PUBLIC MEMBERS WHO
22 ARE OR HAVE BEEN CONSUMERS OF NATUROPATHIC MEDICINE.

23 (II) THE DIRECTOR SHALL APPOINT MEMBERS TO THE ADVISORY
24 COMMITTEE NO LATER THAN JANUARY 1, 2014.

25 (c) (I) EACH MEMBER OF THE ADVISORY COMMITTEE HOLDS OFFICE
26 UNTIL THE EXPIRATION OF THE MEMBER'S APPOINTED TERM OR UNTIL A
27 SUCCESSOR IS DULY APPOINTED. EXCEPT AS SPECIFIED IN SUBPARAGRAPH

1 (II) OF THIS PARAGRAPH (c), THE TERM OF OFFICE OF EACH MEMBER IS
2 FOUR YEARS, AND AN ADVISORY COMMITTEE MEMBER SHALL NOT SERVE
3 MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS. THE DIRECTOR SHALL
4 FILL A VACANCY OCCURRING ON THE ADVISORY COMMITTEE, OTHER THAN
5 BY EXPIRATION OF A TERM, BY APPOINTMENT FOR THE UNEXPIRED TERM
6 OF THE MEMBER.

7 (II) TO ENSURE STAGGERED TERMS OF OFFICE, THE INITIAL TERM
8 OF OFFICE OF ONE OF THE NATUROPATHIC DOCTOR MEMBERS, THE
9 PHARMACIST MEMBER, AND ONE OF THE MEMBERS REPRESENTING THE
10 PUBLIC IS TWO YEARS. THESE MEMBERS ARE ELIGIBLE TO SERVE ONE
11 ADDITIONAL FOUR-YEAR TERM OF OFFICE. ON AND AFTER THE EXPIRATION
12 OF THESE MEMBERS' TERMS, THE TERM OF OFFICE OF PERSONS APPOINTED
13 TO THESE POSITIONS ON THE ADVISORY COMMITTEE IS AS DESCRIBED IN
14 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), COMMENCING ON JANUARY
15 1 OF THE APPLICABLE YEAR.

16 (d) THE DIRECTOR MAY REMOVE ANY ADVISORY COMMITTEE
17 MEMBER FOR MISCONDUCT, INCOMPETENCE, OR NEGLECT OF DUTY.

18 (2) THE ADVISORY COMMITTEE SHALL ADVISE THE DIRECTOR IN
19 THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE AND RULES
20 ADOPTED UNDER THIS ARTICLE.

21 (3) MEMBERS OF THE ADVISORY COMMITTEE SHALL NOT RECEIVE
22 COMPENSATION FOR THEIR SERVICES BUT ARE ENTITLED TO
23 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES THEY INCUR IN
24 PERFORMING THEIR DUTIES.

25 **12-37.3-104. Director powers and duties.** (1) IN ADDITION TO
26 ANY OTHER POWERS AND DUTIES GRANTED OR IMPOSED ON THE DIRECTOR
27 UNDER THIS ARTICLE, THE DIRECTOR SHALL:

- 1 (a) ADOPT RULES NECESSARY TO ADMINISTER THIS ARTICLE;
- 2 (b) ESTABLISH THE FORM AND MANNER IN WHICH APPLICANTS ARE
- 3 TO APPLY FOR A NEW REGISTRATION OR TO RENEW A REGISTRATION;
- 4 (c) RECEIVE, REVIEW, AND APPROVE OR DENY APPLICATIONS FOR
- 5 REGISTRATIONS AND ISSUE AND RENEW REGISTRATIONS UNDER THIS
- 6 ARTICLE;
- 7 (d) ESTABLISH FEES FOR REGISTRATION APPLICATIONS AND
- 8 RENEWAL APPLICATIONS IN THE MANNER AUTHORIZED BY SECTION
- 9 24-34-105, C.R.S.;
- 10 (e) CONDUCT INVESTIGATIONS, HOLD HEARINGS, TAKE EVIDENCE,
- 11 AND PURSUE DISCIPLINARY ACTIONS PURSUANT TO SECTION 12-37.3-112
- 12 WITH RESPECT TO COMPLAINTS AGAINST NATUROPATHIC DOCTORS WHEN
- 13 THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
- 14 NATUROPATHIC DOCTOR IS VIOLATING THIS ARTICLE OR RULES ADOPTED
- 15 PURSUANT TO THIS ARTICLE, AND TO SUBPOENA WITNESSES, ADMINISTER
- 16 OATHS, AND COMPEL THE TESTIMONY OF WITNESSES AND THE PRODUCTION
- 17 OF BOOKS, PAPERS, AND RECORDS RELEVANT TO THOSE INVESTIGATIONS
- 18 OR HEARINGS. ANY SUBPOENA ISSUED PURSUANT TO THIS ARTICLE IS
- 19 ENFORCEABLE BY THE DISTRICT COURT.
- 20 (f) PERFORM OTHER FUNCTIONS AND DUTIES NECESSARY TO
- 21 ADMINISTER THIS ARTICLE.

22 **12-37.3-105. Practice of naturopathic medicine by**

23 **naturopathic doctors - exclusions - protected activities - rules.**

24 (1) THE PRACTICE OF NATUROPATHIC MEDICINE BY A NATUROPATHIC

25 DOCTOR INCLUDES THE FOLLOWING:

- 26 (a) THE PREVENTION AND TREATMENT OF HUMAN INJURY, DISEASE,
- 27 OR CONDITIONS THROUGH EDUCATION OR DIETARY OR NUTRITIONAL

- 1 ADVICE, AND THE PROMOTION OF HEALTHY WAYS OF LIVING;
- 2 (b) THE USE OF PHYSICAL EXAMINATIONS AND THE ORDERING OF
- 3 CLINICAL, LABORATORY, AND RADIOLOGICAL DIAGNOSTIC PROCEDURES
- 4 FROM LICENSED OR CERTIFIED HEALTH CARE FACILITIES OR LABORATORIES
- 5 FOR THE PURPOSE OF DIAGNOSING AND EVALUATING INJURIES, DISEASES,
- 6 AND CONDITIONS IN THE HUMAN BODY;
- 7 (c) DISPENSING, ADMINISTERING, ORDERING, AND PRESCRIBING
- 8 MEDICINES LISTED IN THE NATUROPATHIC FORMULARY, INCLUDING:
- 9 (I) EPINEPHRINE TO TREAT ANAPHYLAXIS; AND
- 10 (II) BARRIER CONTRACEPTIVES, EXCLUDING INTRAUTERINE
- 11 DEVICES; OR
- 12 (d) PERFORMING MINOR OFFICE PROCEDURES.
- 13 (2) A NATUROPATHIC DOCTOR SHALL NOT:
- 14 (a) PRESCRIBE, DISPENSE, ADMINISTER, OR INJECT A CONTROLLED
- 15 SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL "CONTROLLED
- 16 SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET SEQ., AS AMENDED.
- 17 (b) PERFORM SURGICAL PROCEDURES, INCLUDING SURGICAL
- 18 PROCEDURES USING A LASER DEVICE;
- 19 (c) USE GENERAL OR SPINAL ANESTHETICS, OTHER THAN TOPICAL
- 20 ANESTHETICS;
- 21 (d) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR
- 22 THERAPEUTIC PURPOSES;
- 23 (e) TREAT A CHILD WHO IS LESS THAN TWO YEARS OF AGE;
- 24 (f) TREAT A CHILD WHO IS TWO YEARS OF AGE OR OLDER BUT LESS
- 25 THAN EIGHT YEARS OF AGE, UNLESS THE NATUROPATHIC DOCTOR:
- 26 (I) DEMONSTRATES SUCCESSFUL COMPLETION OF THREE HOURS
- 27 PER YEAR OF EDUCATION OR PRACTICUM TRAINING SOLELY RELATED TO

1 PEDIATRICS IN ACCORDANCE WITH CONTINUING PROFESSIONAL
2 COMPETENCY REQUIREMENTS APPROVED BY THE DIRECTOR PURSUANT TO
3 SECTION 12-37.3-108; AND

4 (II) REQUIRES THE CHILD'S PARENT OR LEGAL GUARDIAN TO SIGN
5 AN INFORMED CONSENT THAT:

6 (A) DISCLOSES THAT THE NATUROPATHIC DOCTOR IS REGISTERED
7 PURSUANT TO THIS ARTICLE;

8 (B) DISCLOSES THAT THE NATUROPATHIC DOCTOR IS NOT A
9 PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE;

10 (C) RECOMMENDS THAT THE CHILD HAVE A RELATIONSHIP WITH
11 A LICENSED PEDIATRIC HEALTH CARE PROVIDER; AND

12 (D) IF THE CHILD HAS A RELATIONSHIP WITH A LICENSED PEDIATRIC
13 HEALTH CARE PROVIDER, REQUESTS PERMISSION FROM THE PARENT OR
14 LEGAL GUARDIAN FOR THE NATUROPATHIC DOCTOR TO ATTEMPT TO
15 DEVELOP AND MAINTAIN A COLLABORATIVE RELATIONSHIP WITH THE
16 LICENSED PEDIATRIC HEALTH CARE PROVIDER, AS DEFINED BY DIRECTOR
17 RULES;

18 (g) ENGAGE IN OR PERFORM THE PRACTICE OF MEDICINE, SURGERY,
19 OR ANY OTHER FORM OF HEALING EXCEPT AS AUTHORIZED BY THIS
20 ARTICLE;

21 (h) PRACTICE OBSTETRICS;

22 (i) PERFORM SPINAL ADJUSTMENT, MANIPULATION, OR
23 MOBILIZATION, BUT THIS PARAGRAPH (i) DOES NOT PROHIBIT A
24 NATUROPATHIC DOCTOR FROM PRACTICING NATUROPATHIC PHYSICAL
25 MEDICINE AS DESCRIBED IN SECTION 12-37.3-102 (12) (b); OR

26 (j) RECOMMEND THE DISCONTINUATION OF, OR COUNSEL AGAINST,
27 A COURSE OF CARE, INCLUDING A PRESCRIPTION DRUG THAT WAS

1 RECOMMENDED OR PRESCRIBED BY ANOTHER HEALTH CARE PRACTITIONER
2 LICENSED IN THIS STATE, UNLESS THE NATUROPATHIC DOCTOR CONSULTS
3 WITH THE HEALTH CARE PRACTITIONER WHO RECOMMENDED THE COURSE
4 OF CARE.

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

12 (b) BEFORE CONDUCTING AN INITIAL EXAMINATION OF A PATIENT,
13 A NATUROPATHIC DOCTOR SHALL OBTAIN THE PATIENT'S INFORMED
14 CONSENT TO THE EXAMINATION, EVIDENCED BY A WRITTEN STATEMENT IN
15 A FORM PRESCRIBED BY THE DIRECTOR AND SIGNED BY BOTH THE PATIENT
16 AND THE NATUROPATHIC DOCTOR. THE STATEMENT MUST:

17 (I) DISCLOSE THAT THE NATUROPATHIC DOCTOR IS NOT A MEDICAL
18 DOCTOR OR PHYSICIAN LICENSED UNDER ARTICLE 36 OF THIS TITLE;

19 (II) RECOMMEND THAT THE PATIENT HAVE A RELATIONSHIP WITH
20 A LICENSED PHYSICIAN; AND

21 (III) INDICATE THAT THE NATUROPATHIC DOCTOR WILL ATTEMPT
22 TO DEVELOP AND MAINTAIN A COLLABORATIVE RELATIONSHIP WITH THE
23 PATIENT'S PHYSICIAN, IF THE PATIENT HAS A RELATIONSHIP WITH A
24 LICENSED PHYSICIAN.

25 (c) A NATUROPATHIC DOCTOR SHALL COMMUNICATE AND
26 COOPERATE WITH A PATIENT'S OTHER HEALTH CARE PROVIDERS, IF ANY, TO
27 ENSURE THAT THE PATIENT RECEIVES COORDINATED CARE.

1 (d) A NATUROPATHIC DOCTOR SHALL REFER A PATIENT TO
2 ANOTHER HEALTH CARE PROFESSIONAL IF THE PATIENT'S NEEDS ARE
3 BEYOND THE NATUROPATHIC DOCTOR'S SCOPE OF KNOWLEDGE AND
4 PRACTICE.

5 (4) THIS ARTICLE DOES NOT PREVENT OR RESTRICT THE PRACTICE,
6 SERVICES, OR ACTIVITIES OF:

7 (a) A PERSON WHO IS LICENSED, CERTIFIED, OR REGISTERED TO
8 PRACTICE A PROFESSION OR OCCUPATION PURSUANT TO THIS TITLE AND
9 WHO ENGAGES IN ACTIVITIES THAT ARE WITHIN THE LAWFUL SCOPE OF
10 PRACTICE FOR THE PROFESSION OR OCCUPATION FOR WHICH THE PERSON
11 IS LICENSED, CERTIFIED, OR REGISTERED;

12 (b) A PERSON WHO PRACTICES NATURAL HEALTH CARE, PROVIDES
13 NATURAL HEALTH CARE SERVICES, OR ADVISES AND EDUCATES IN THE USE
14 OF NATURAL HEALTH CARE PRODUCTS, AS LONG AS THE PERSON DOES NOT:

15 (I) DIAGNOSE INJURIES OR DISEASES;

16 (II) PRESCRIBE MEDICINES AS AUTHORIZED FOR REGISTRANTS
17 PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION; OR

18 (III) PERFORM MINOR OFFICE PROCEDURES AS AUTHORIZED FOR
19 REGISTRANTS PURSUANT TO PARAGRAPH (d) OF SUBSECTION (1) OF THIS
20 SECTION;

21 (c) A PERSON WHO SELLS VITAMINS, HEALTH FOODS, DIETARY
22 SUPPLEMENTS, HERBS, OR OTHER NATURAL PRODUCTS, IF NOT OTHERWISE
23 PROHIBITED BY STATE OR FEDERAL LAW, AND WHO SELLS OR PROVIDES
24 INFORMATION ABOUT THE PRODUCTS;

25 (d) A PERSON WHO PROVIDES TRUTHFUL AND NONMISLEADING
26 INFORMATION REGARDING NATURAL HEALTH CARE PRODUCTS OR
27 SERVICES;

1 (e) A PERSON EMPLOYED BY THE FEDERAL GOVERNMENT WHO
2 PRACTICES NATUROPATHIC MEDICINE WHILE THE PERSON IS ENGAGED IN
3 THE PERFORMANCE OF HIS OR HER DUTIES;

4 (f) A PERSON WHO IS LICENSED OR OTHERWISE AUTHORIZED TO
5 PRACTICE AS A NATUROPATHIC DOCTOR IN ANOTHER STATE OR DISTRICT
6 IN THE UNITED STATES WHO IS CONSULTING WITH A NATUROPATHIC
7 DOCTOR IN THIS STATE AS LONG AS THE CONSULTATION IS LIMITED TO
8 EXAMINATION, RECOMMENDATION, OR TESTIMONY IN LITIGATION;

9 (g) A STUDENT ENROLLED IN AN APPROVED NATUROPATHIC
10 MEDICAL COLLEGE WHO PRACTICES NATUROPATHIC MEDICINE IF THE
11 PERFORMANCE OF SERVICES IS PURSUANT TO A COURSE OF INSTRUCTION
12 OR ASSIGNMENTS FROM AND UNDER THE SUPERVISION OF AN INSTRUCTOR
13 WHO IS A NATUROPATHIC DOCTOR OR A LICENSED PROFESSIONAL IN THE
14 FIELD IN WHICH HE OR SHE IS PROVIDING INSTRUCTION;

15 (h) A PERSON WHO ADMINISTERS A DOMESTIC OR FAMILY REMEDY
16 TO ONESELF OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY BASED ON
17 RELIGIOUS OR HEALTH BELIEFS; OR

18 (i) A PERSON WHO RENDERS AID IN AN EMERGENCY WHEN NO FEE
19 OR OTHER CONSIDERATION OF VALUE FOR THE SERVICES IS CHARGED,
20 RECEIVED, EXPECTED, OR CONTEMPLATED.

21 (5) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, A
22 PERSON WHO IS NOT REGISTERED UNDER THIS ARTICLE SHALL NOT:

23 (a) DIAGNOSE INJURY, DISEASE, AILMENT, INFIRMITY, DEFORMITY,
24 PAIN, OR OTHER CONDITION OF THE HUMAN BODY;

25 (b) DISPENSE, ADMINISTER, ORDER, OR PRESCRIBE MEDICINES AS
26 AUTHORIZED FOR REGISTRANTS PURSUANT TO PARAGRAPH (c) OF
27 SUBSECTION (1) OF THIS SECTION; OR

1 (c) USE THE TITLE "NATUROPATHIC DOCTOR", OR "DOCTOR OF
2 NATUROPATHY" OR THE ABBREVIATION "N.D."

3 **12-37.3-106. Registration required - qualifications -
4 examination - registration by endorsement - rules.** (1) EFFECTIVE
5 JUNE 1, 2014, A PERSON SHALL NOT PRACTICE AS A NATUROPATHIC
6 DOCTOR IN THIS STATE WITHOUT A REGISTRATION.

7 (2) AN APPLICANT FOR A REGISTRATION TO PRACTICE AS A
8 NATUROPATHIC DOCTOR IN THIS STATE SHALL SUBMIT AN APPLICATION TO
9 THE DIRECTOR IN A FORM AND MANNER DETERMINED BY THE DIRECTOR BY
10 RULE, ACCOMPANIED BY THE FEE REQUIRED PURSUANT TO SECTION
11 12-37.3-104 (1) (d). THE DIRECTOR SHALL ISSUE A REGISTRATION TO
12 PRACTICE AS A NATUROPATHIC DOCTOR TO AN APPLICANT UPON RECEIPT
13 OF SATISFACTORY PROOF THAT THE APPLICANT:

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

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

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

22 (d) HAS SUCCESSFULLY PASSED EITHER A DIRECTOR-APPROVED
23 EXAMINATION OR A COMPREHENSIVE COMPETENCY-BASED NATIONAL
24 NATUROPATHIC LICENSING EXAMINATION ADMINISTERED BY THE NORTH
25 AMERICAN BOARD OF NATUROPATHIC EXAMINERS OR A NATIONALLY
26 RECOGNIZED, DIRECTOR-APPROVED SUCCESSOR ENTITY, AS DETERMINED
27 BY THE DIRECTOR BY RULE; AND

1 (e) HAS NOT HAD A LICENSE OR OTHER AUTHORIZATION TO
2 PRACTICE AS A NATUROPATHIC DOCTOR OR OTHER HEALTH CARE LICENSE,
3 REGISTRATION, OR CERTIFICATION DENIED, REVOKED, OR SUSPENDED BY
4 COLORADO OR ANY OTHER JURISDICTION FOR REASONS THAT RELATE TO
5 THE APPLICANT'S ABILITY TO SKILLFULLY AND SAFELY PRACTICE
6 NATUROPATHIC MEDICINE, UNLESS THE LICENSE, REGISTRATION, OR
7 CERTIFICATION IS REINSTATED TO GOOD STANDING BY COLORADO OR
8 ANOTHER JURISDICTION.

9 (3) THE DIRECTOR MAY ISSUE A REGISTRATION BY ENDORSEMENT
10 TO ENGAGE IN THE PRACTICE OF NATUROPATHIC MEDICINE TO AN
11 APPLICANT WHO HAS A LICENSE, CERTIFICATION, OR REGISTRATION IN
12 GOOD STANDING AS A NATUROPATHIC DOCTOR UNDER THE LAWS OF
13 ANOTHER JURISDICTION IF THE APPLICANT PRESENTS SATISFACTORY PROOF
14 TO THE DIRECTOR THAT, AT THE TIME OF APPLICATION FOR A COLORADO
15 REGISTRATION BY ENDORSEMENT, THE APPLICANT POSSESSES
16 CREDENTIALS AND QUALIFICATIONS THAT ARE SUBSTANTIALLY
17 EQUIVALENT TO THE REQUIREMENTS OF THIS SECTION. THE DIRECTOR MAY
18 ADOPT RULES CONCERNING THE NECESSARY APPLICANT CREDENTIALS AND
19 QUALIFICATIONS.

20 (4) THE DIRECTOR SHALL DETERMINE, BY RULE, THE
21 QUALIFICATIONS FOR REGISTRATION UNDER THIS ARTICLE FOR A PERSON
22 WHO SATISFIES THE REQUIREMENTS OF PARAGRAPHS (a), (b), AND (e) OF
23 SUBSECTION (2) OF THIS SECTION BUT DOES NOT SATISFY THE
24 REQUIREMENTS FOR REGISTRATION UNDER PARAGRAPH (c) OR (d) OF
25 SUBSECTION (2) OF THIS SECTION AND WHO IS NOT LICENSED, CERTIFIED,
26 OR REGISTERED TO PRACTICE A PROFESSION OR OCCUPATION UNDER THIS
27 TITLE OR THE LAWS OF ANY OTHER JURISDICTION IN THE UNITED STATES.

1 THE DIRECTOR SHALL MAKE THE DETERMINATION BASED ON DOCUMENTED
2 EVIDENCE THAT THE PERSON:

3 (a) HAS COMPLETED A POST-GRADUATE LEVEL DIDACTIC AND
4 SUPERVISED CLINICAL EDUCATIONAL PROGRAM FROM AN ACCREDITED
5 EDUCATIONAL INSTITUTION, WHICH PROGRAM IS SUBSTANTIALLY
6 EQUIVALENT TO THE EDUCATION REQUIREMENTS SET FORTH IN
7 PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, AS DETERMINED BY
8 THE DIRECTOR BY RULE;

9 (b) HAS PASSED A NATIONAL EXAMINATION IN NATUROPATHIC
10 MEDICINE THAT IS SUBSTANTIALLY EQUIVALENT TO THE EXAMINATION
11 REQUIRED IN PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION, AS
12 DETERMINED BY THE DIRECTOR BY RULE; AND

13 (c) HAS AT LEAST TEN YEARS OF RELATED PROFESSIONAL
14 EXPERIENCE.

15 **12-37.3-107. Registration renewal or reinstatement - fees.** A
16 NATUROPATHIC DOCTOR SHALL RENEW OR REINSTATE HIS OR HER
17 REGISTRATION PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR,
18 AND THE DIRECTOR SHALL RENEW OR REINSTATE A REGISTRATION IN
19 ACCORDANCE WITH SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY
20 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT
21 PURSUANT TO SECTION 24-34-105, C.R.S., AND SHALL INCREASE RENEWAL
22 FEES CONSISTENT WITH SECTION 24-34-109 (4), C.R.S., TO FUND THE
23 DIVISION'S COSTS IN ADMINISTERING THIS ARTICLE. IF A PERSON FAILS TO
24 RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE
25 ESTABLISHED BY THE DIRECTOR, THE REGISTRATION EXPIRES. A PERSON
26 WHOSE REGISTRATION EXPIRES IS SUBJECT TO THE PENALTIES PROVIDED
27 IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S. THE DIRECTOR SHALL

1 TRANSMIT FEES COLLECTED PURSUANT TO THIS SECTION OR SECTION
2 12-37.3-106 TO THE STATE TREASURER FOR DEPOSIT IN THE DIVISION OF
3 PROFESSIONS AND OCCUPATIONS CASH FUND PURSUANT TO SECTION
4 24-34-105, C.R.S.

5 **12-37.3-108. Continuing professional competency - rules.**

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

8 (b) THE DIRECTOR SHALL ADOPT RULES ESTABLISHING A
9 CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT
10 A MINIMUM, THE FOLLOWING ELEMENTS:

11 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A
12 NATUROPATHIC DOCTOR SEEKING TO RENEW OR REINSTATE A
13 REGISTRATION;

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

16 (III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS
17 THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE
18 CONTINUING COMPETENCY IN THE PROFESSION; EXCEPT THAT A
19 NATUROPATHIC DOCTOR NEED NOT RETAKE ANY EXAMINATION REQUIRED
20 BY SECTION 12-37.3-106 (2) (d) FOR INITIAL REGISTRATION.

21 (c) THE DIRECTOR SHALL ESTABLISH THAT A NATUROPATHIC
22 DOCTOR SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF THIS
23 SECTION IF THE NATUROPATHIC DOCTOR MEETS THE CONTINUING
24 PROFESSIONAL COMPETENCY REQUIREMENTS OF ONE OF THE FOLLOWING
25 ENTITIES:

26 (I) A STATE DEPARTMENT, INCLUDING CONTINUING PROFESSIONAL
27 COMPETENCY REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL

1 ARRANGEMENT WITH A PROVIDER;

2 (II) AN ACCREDITING BODY RECOGNIZED BY THE DIRECTOR; OR

3 (III) AN ENTITY APPROVED BY THE DIRECTOR.

4 (d) (I) AFTER THE PROGRAM IS ESTABLISHED, A NATUROPATHIC
5 DOCTOR SHALL SATISFY THE REQUIREMENTS OF THE PROGRAM IN ORDER
6 TO RENEW OR REINSTATE A REGISTRATION TO PRACTICE NATUROPATHIC
7 MEDICINE.

8 (II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL
9 NATUROPATHIC DOCTORS, AND NOTHING IN THIS SECTION REQUIRES A
10 PERSON WHO EMPLOYS OR CONTRACTS WITH A NATUROPATHIC DOCTOR TO
11 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

12 (2) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION
13 DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING
14 PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT
15 SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION
16 WITH A CIVIL ACTION AGAINST A NATUROPATHIC DOCTOR. NEITHER THE
17 DIRECTOR NOR ANY OTHER PERSON SHALL USE THE RECORDS OR
18 DOCUMENTS UNLESS USED BY THE DIRECTOR TO DETERMINE WHETHER A
19 NATUROPATHIC DOCTOR IS MAINTAINING CONTINUING PROFESSIONAL
20 COMPETENCY TO ENGAGE IN THE PROFESSION.

21 **12-37.3-109. Compliance with transparency requirements.** A
22 NATUROPATHIC DOCTOR SHALL COMPLY WITH SECTION 24-34-110, C.R.S.,
23 REGARDING THE DISCLOSURE OF INFORMATION TO THE DIRECTOR.

24 **12-37.3-110. Persons entitled to practice as naturopathic**
25 **doctors - title protection for naturopathic doctors.** (1) A PERSON
26 SHALL NOT HOLD HIMSELF OR HERSELF OUT AS A NATUROPATHIC DOCTOR
27 OR USE ANY OF THE TITLES OR INITIALS REFERRED TO IN SUBSECTION (2)

1 OF THIS SECTION UNLESS THE PERSON IS REGISTERED AS A NATUROPATHIC
2 DOCTOR PURSUANT TO THIS ARTICLE.

3 (2) A NATUROPATHIC DOCTOR MAY USE THE TITLE
4 "NATUROPATHIC DOCTOR", OR "DOCTOR OF NATUROPATHY", OR THE
5 INITIALS "N.D."

6 (3) A NATUROPATHIC DOCTOR SHALL NOT USE:

7 (a) THE TERM "PHYSICIAN";

8 (b) THE ABBREVIATIONS "NMD" OR "N.M.D.";

9 (c) THE TERM "NATUROPATHIC MEDICAL DOCTOR".

10 (4) NOTHING IN THIS SECTION PREVENTS A NATUROPATHIC DOCTOR
11 FROM DISCLOSING MEMBERSHIP IN NATIONAL ORGANIZATIONS OR
12 ASSOCIATIONS OF NATUROPATHIC PHYSICIANS.

13 (5) NOTHING IN THIS SECTION PREVENTS A PERSON FROM USING
14 THE TERM "DOCTOR" OR THE TITLE "DR." IF HE OR SHE SATISFIES THE
15 REQUIREMENTS OF SECTION 6-1-707 (1) (a), C.R.S.

16 **12-37.3-111. Disclosures - record-keeping.** (1) A
17 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION
18 IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE DIRECTOR:

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

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

22 (c) A STATEMENT THAT NATUROPATHIC DOCTORS ARE REGISTERED
23 BY THE STATE TO PRACTICE NATUROPATHIC MEDICINE UNDER THE
24 "NATUROPATHIC DOCTOR ACT";

25 (d) THE PROHIBITIONS SPECIFIED IN SECTION 12-37.3-105 (2);

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

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

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

8 (3) IF A NATUROPATHIC DOCTOR TREATS ANY PATIENT WHO IS
9 SEEKING TREATMENT FOR CANCER, THE NATUROPATHIC DOCTOR SHALL
10 RECOMMEND TO THE PATIENT THAT THE PATIENT CONSULT WITH A
11 LICENSED PHYSICIAN SPECIALIZING IN ONCOLOGY AND DOCUMENT THE
12 RECOMMENDATION IN WRITING.

13 **12-37.3-112. Grounds for discipline - disciplinary actions**
14 **authorized - procedures.** (1) THE DIRECTOR MAY DENY, REVOKE, OR
15 SUSPEND THE REGISTRATION OF, ISSUE A LETTER OF ADMONITION TO, OR
16 PLACE ON PROBATION A NATUROPATHIC DOCTOR FOR ANY OF THE
17 FOLLOWING ACTS OR OMISSIONS:

18 (a) VIOLATING, OR AIDING OR ABETTING ANOTHER IN THE
19 VIOLATION OF, THIS ARTICLE OR ANY RULE PROMULGATED BY THE
20 DIRECTOR PURSUANT TO THIS ARTICLE;

21 (b) FALSIFYING INFORMATION IN ANY APPLICATION, ATTEMPTING
22 TO OBTAIN OR OBTAINING A REGISTRATION BY FRAUD, DECEIT, OR
23 MISREPRESENTATION, OR AIDING OR ABETTING SUCH ACT;

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

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

4 (e) FAILING TO REFER A PATIENT TO AN APPROPRIATE HEALTH
5 CARE PROFESSIONAL WHEN THE SERVICES REQUIRED BY THE PATIENT ARE
6 BEYOND THE LEVEL OF COMPETENCE OF THE NATUROPATHIC DOCTOR OR
7 BEYOND THE SCOPE OF NATUROPATHIC MEDICINE PRACTICE;

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

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

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

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

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

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

3 (l) ADVERTISING THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,
4 DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE
5 NATUROPATHIC DOCTOR WILL PERFORM ANY ACT PROHIBITED BY SECTION
6 18-13-119 (3), C.R.S.;

7 (m) VIOLATING A VALID ORDER OF THE DIRECTOR;

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

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

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

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

25 (p) (I) FAILING TO NOTIFY THE DIRECTOR OF A PHYSICAL OR
26 MENTAL ILLNESS OR CONDITION THAT AFFECTS THE NATUROPATHIC
27 DOCTOR'S ABILITY TO TREAT PATIENTS WITH REASONABLE SKILL AND

1 SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS
2 UNDER HIS OR HER CARE;

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

8 (III) FAILING TO COMPLY WITH THE LIMITATIONS AGREED TO
9 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION
10 12-37.3-116;

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

13 (r) FAILING TO DEVELOP A WRITTEN PLAN FOR THE SECURITY OF
14 PATIENT MEDICAL RECORDS IN ACCORDANCE WITH SECTION 12-37.3-115;

15 (s) REFUSING TO SUBMIT TO A PHYSICAL OR MENTAL EXAMINATION
16 WHEN SO ORDERED BY THE DIRECTOR PURSUANT TO SECTION 12-37.3-117;

17 (t) FAILING TO OBTAIN AND CONTINUALLY MAINTAIN
18 PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION
19 12-37.3-114.

20 (2) IN ADDITION TO OR AS AN ALTERNATIVE TO THE DISCIPLINE
21 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR 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 DIRECTOR
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 REGISTRATION IS REVOKED OR WHO
2 SURRENDERS HIS OR HER REGISTRATION TO AVOID DISCIPLINE IS
3 INELIGIBLE TO APPLY FOR A REGISTRATION UNDER THIS ARTICLE FOR AT
4 LEAST TWO YEARS AFTER THE DATE OF REVOCATION OR SURRENDER OF
5 THE REGISTRATION.

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

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

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

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

15 (b) IF A WITNESS OR NATUROPATHIC DOCTOR FAILS TO COMPLY
16 WITH A SUBPOENA OR PROCESS, THE DIRECTOR MAY APPLY TO THE
17 DISTRICT 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 DIRECTOR; 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 DIRECTOR SHALL PROVIDE NOTICE TO THE SUBPOENAED PERSON OR
24 NATUROPATHIC DOCTOR OF THE DIRECTOR'S 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 DIRECTOR, DOES
4 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
5 BE DISMISSED AS BEING WITHOUT MERIT, THE DIRECTOR MAY ISSUE A
6 LETTER OF ADMONITION TO THE NATUROPATHIC DOCTOR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 19 (a) AN UNREGISTERED ACT OR PRACTICE;
- 20 (b) AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS
21 ARTICLE OR OF ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE;
- 22 (c) A VIOLATION OF AN ORDER ISSUED PURSUANT TO THIS ARTICLE;
- 23 OR
- 24 (d) AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR
25 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE.

26 (13) IF A PERSON FAILS TO COMPLY WITH A FINAL
27 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY

1 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
2 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION OCCURRED OR IS
3 OCCURRING TO BRING, AND IF SO REQUESTED THE ATTORNEY SHALL BRING,
4 SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF
5 TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL
6 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 IN A COURT OF COMPETENT
10 JURISDICTION.

11 **12-37.3-113. Unauthorized practice - penalties.** A PERSON WHO
12 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A NATUROPATHIC
13 DOCTOR WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE
14 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED
15 IN SECTION 18-1.3-501, C.R.S.

16 **12-37.3-114. Professional liability insurance required -**
17 **vicarious liability - rules.** (1) IT IS UNLAWFUL FOR A PERSON TO
18 PRACTICE AS A NATUROPATHIC DOCTOR IN THIS STATE UNLESS THE PERSON
19 IS COVERED BY PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT
20 LESS THAN ONE MILLION DOLLARS.

21 (2) PROFESSIONAL LIABILITY INSURANCE REQUIRED BY THIS
22 SECTION MUST COVER ALL ACTS WITHIN THE SCOPE OF PRACTICE OF A
23 NATUROPATHIC DOCTOR.

24 (3) A NATUROPATHIC DOCTOR IS LIABLE FOR HIS OR HER ACTS OR
25 OMISSIONS IN THE PERFORMANCE OF NATUROPATHIC MEDICINE.

26 **12-37.3-115. Protection of medical records - registrant's**
27 **obligations - verification of compliance - noncompliance grounds for**

1 **discipline - rules.** (1) EACH NATUROPATHIC DOCTOR SHALL DEVELOP A
2 WRITTEN PLAN TO ENSURE THE SECURITY OF PATIENT MEDICAL RECORDS.

3 THE PLAN MUST ADDRESS AT LEAST THE FOLLOWING:

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

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

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

12 (2) UPON INITIAL REGISTRATION UNDER THIS ARTICLE, THE
13 APPLICANT OR REGISTRANT SHALL ATTEST TO THE DIRECTOR THAT HE OR
14 SHE HAS DEVELOPED A PLAN IN COMPLIANCE WITH THIS SECTION.

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

19 (4) THE DIRECTOR MAY ADOPT RULES REASONABLY NECESSARY TO
20 IMPLEMENT THIS SECTION.

21 **12-37.3-116. Confidential agreement to limit practice -
22 violation - grounds for discipline.** (1) IF A NATUROPATHIC DOCTOR HAS

23 A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS HIM OR
24 HER UNABLE TO PRACTICE NATUROPATHIC MEDICINE WITH REASONABLE
25 SKILL AND SAFETY TO PATIENTS, THE NATUROPATHIC DOCTOR SHALL
26 NOTIFY THE DIRECTOR OF THE ILLNESS OR CONDITION IN A MANNER AND
27 WITHIN A PERIOD DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY

1 REQUIRE THE NATUROPATHIC DOCTOR TO SUBMIT TO AN EXAMINATION TO
2 EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON
3 THE NATUROPATHIC DOCTOR'S ABILITY TO PRACTICE NATUROPATHIC
4 MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

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

12 (b) AS PART OF THE AGREEMENT, THE NATUROPATHIC DOCTOR IS
13 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED
14 APPROPRIATE BY THE DIRECTOR.

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

17 (3) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR
18 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, A
19 NATUROPATHIC DOCTOR IS NOT ENGAGING IN ACTIVITIES THAT ARE
20 PROHIBITED PURSUANT TO SECTION 12-37.3-112. THE AGREEMENT DOES
21 NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE DIRECTOR.
22 HOWEVER, IF THE NATUROPATHIC DOCTOR FAILS TO COMPLY WITH THE
23 TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE
24 FAILURE CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION
25 12-37.3-112 (1) (p), AND THE NATUROPATHIC DOCTOR IS SUBJECT TO
26 DISCIPLINE IN ACCORDANCE WITH SECTION 12-37.3-112.

27 (4) THIS SECTION DOES NOT APPLY TO A NATUROPATHIC DOCTOR

1 SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES AS DESCRIBED IN
2 SECTION 12-37.3-112 (1) (d).

3 **12-37.3-117. Mental and physical examination of registrants.**

4 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
5 REGISTRANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND
6 SAFETY, THE DIRECTOR MAY REQUIRE THE REGISTRANT TO TAKE A MENTAL
7 OR PHYSICAL EXAMINATION BY A HEALTH CARE PROVIDER DESIGNATED BY
8 THE DIRECTOR. IF THE REGISTRANT REFUSES TO UNDERGO A MENTAL OR
9 PHYSICAL EXAMINATION, UNLESS DUE TO CIRCUMSTANCES BEYOND THE
10 REGISTRANT'S CONTROL, THE DIRECTOR MAY SUSPEND THE REGISTRANT'S
11 REGISTRATION UNTIL THE RESULTS OF THE EXAMINATION ARE KNOWN AND
12 THE DIRECTOR HAS MADE A DETERMINATION OF THE REGISTRANT'S
13 FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR
14 EXAMINATION AND DETERMINATION IN A TIMELY MANNER.

15 (2) THE DIRECTOR SHALL INCLUDE IN AN ORDER ISSUED UNDER
16 SUBSECTION (1) OF THIS SECTION THE BASIS OF THE DIRECTOR'S
17 REASONABLE CAUSE TO BELIEVE THAT THE REGISTRANT IS UNABLE TO
18 PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR THE PURPOSES OF A
19 DISCIPLINARY PROCEEDING AUTHORIZED BY THIS ARTICLE, THE
20 REGISTRANT IS DEEMED TO WAIVE ALL OBJECTIONS TO THE ADMISSIBILITY
21 OF THE EXAMINING HEALTH CARE PROVIDER'S TESTIMONY OR
22 EXAMINATION REPORTS ON THE GROUND THAT THE TESTIMONY AND
23 REPORTS ARE PRIVILEGED COMMUNICATIONS.

24 (3) THE REGISTRANT MAY SUBMIT TO THE DIRECTOR TESTIMONY
25 OR EXAMINATION REPORTS FROM A HEALTH CARE PROVIDER CHOSEN BY
26 THE REGISTRANT PERTAINING TO THE CONDITION THAT THE DIRECTOR
27 ALLEGES MAY PRECLUDE THE REGISTRANT FROM PRACTICING WITH

1 REASONABLE SKILL AND SAFETY. THE DIRECTOR MAY CONSIDER
2 TESTIMONY AND EXAMINATION REPORTS SUBMITTED BY THE REGISTRANT
3 IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND
4 EXAMINATION REPORTS OF THE HEALTH CARE PROVIDER DESIGNATED BY
5 THE DIRECTOR.

6 (4) A PERSON SHALL NOT USE THE RESULTS OF ANY MENTAL OR
7 PHYSICAL EXAMINATION ORDERED BY THE DIRECTOR AS EVIDENCE IN ANY
8 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR. THE EXAMINATION
9 RESULTS ARE NOT PUBLIC RECORDS AND ARE NOT AVAILABLE TO THE
10 PUBLIC.

11 **12-37.3-118. Inactive registration - rules.** A NATUROPATHIC
12 DOCTOR MAY REQUEST THAT THE DIRECTOR INACTIVATE OR ACTIVATE THE
13 NATUROPATHIC DOCTOR'S REGISTRATION. THE DIRECTOR SHALL
14 PROMULGATE RULES GOVERNING THE ACTIVATION AND INACTIVATION OF
15 REGISTRATIONS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
16 DIRECTOR'S RULES MAY LIMIT THE APPLICABILITY OF STATUTORY
17 REQUIREMENTS FOR MAINTAINING PROFESSIONAL LIABILITY INSURANCE
18 AND CONTINUING PROFESSIONAL COMPETENCY FOR A REGISTRANT WHOSE
19 REGISTRATION IS CURRENTLY INACTIVE. THE DIRECTOR NEED NOT
20 REACTIVATE AN INACTIVE REGISTRATION IF THE NATUROPATHIC DOCTOR
21 HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
22 ACTION UNDER SECTION 12-37.3-112. A NATUROPATHIC DOCTOR WHOSE
23 REGISTRATION IS CURRENTLY INACTIVE SHALL NOT PRACTICE
24 NATUROPATHIC MEDICINE.

25 **12-37.3-119. Repeal of article.** THIS ARTICLE IS REPEALED,
26 EFFECTIVE SEPTEMBER 1, 2017. PRIOR TO THE REPEAL, THE DEPARTMENT
27 OF REGULATORY AGENCIES SHALL REVIEW REGISTERING OF

1 NATUROPATHIC DOCTORS AS PROVIDED IN SECTION 24-34-104, C.R.S.

2 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, add
3 (48.5) (d) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for termination, continuation, or reestablishment.**

6 (48.5) The following agencies, functions, or both, terminate on
7 September 1, 2017:

8 (d) THE REGISTERING OF NATUROPATHIC DOCTORS BY THE
9 DIRECTOR PURSUANT TO ARTICLE 37.3 OF TITLE 12, C.R.S.

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

12 **24-34-110. Medical transparency act of 2010 - disclosure of**
13 **information about health care licensees - fines - rules - short title -**
14 **legislative declaration.** (3) (a) As used in this section, "applicant" means
15 a person applying for a new, active license, certification, or registration
16 or to renew, reinstate, or reactivate an active license, certification, or
17 registration to practice:

18 (XXI) NATUROPATHIC MEDICINE PURSUANT TO ARTICLE 37.3 OF
19 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 professions and occupations cash fund created in section
23 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise
24 appropriated, to the department of regulatory agencies, for the fiscal year
25 beginning July 1, 2013, the sum of \$90,489 and 0.9 FTE, or so much
26 thereof as may be necessary, to be allocated for the implementation of this
27 act as follows:

1 (a) \$62,397 and 0.9 FTE to the division of professions and
2 occupations for personal services and temporary contract personnel;

3 (b) \$5,088 to the division of professions and occupations for
4 operating expenses and capital outlay;

5 (c) \$829 to the division of professions and occupations for
6 printing and imaging;

7 (d) \$16,995 to the executive director's office and administrative
8 services for the purchase of legal services; and

9 (e) \$5,180 to the executive director's office and administrative
10 services for the purchase of computer center services.

11 (2) In addition to any other appropriation, there is hereby
12 appropriated to the department of law, for the fiscal year beginning July
13 1, 2013, the sum of \$16,995, or so much thereof as may be necessary, for
14 the provision of legal services for the department of regulatory agencies
15 related to the implementation of this act. Said sum is from reappropriated
16 funds received from the department of regulatory agencies out of the
17 appropriation made in paragraph (d) of subsection (1) of this section.

18 (3) In addition to any other appropriation, there is hereby
19 appropriated to the governor - lieutenant governor - state planning and
20 budgeting, for the fiscal year beginning July 1, 2013, the sum of \$5,180,
21 or so much thereof as may be necessary, for allocation to the office of
22 information technology, for the provision of computer center services for
23 the department of regulatory agencies related to the implementation of
24 this act. Said sum is from reappropriated funds received from the
25 department of regulatory agencies out of the appropriation made in
26 paragraph (e) of subsection (1) of this section.

27 **SECTION 5. 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.