

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.*

(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) "NATURAL HEALTH CARE PRACTITIONER", "NATURAL HEALTH
17 CARE PROVIDER", "UNLICENSED COMPLIMENTARY OR ALTERNATIVE
18 HEALTH CARE PRACTITIONER", "HOMEOPATH", "TRADITIONAL
19 NATUROPATH", OR "HERBALIST" MEANS A PERSON WHO ADVISES IN THE
20 USE OF NATURAL HEALTH CARE PRODUCTS OR WHO PROVIDES NATURAL
21 HEALTH CARE SERVICES OR THERAPIES, INCLUDING HOMEOPATHY, DIET
22 GUIDANCE AND INFORMATION, HERBS OR SUPPLEMENTS, PATIENT
23 EDUCATION, WELLNESS GUIDANCE, AND OTHER NATURAL REMEDIES.
- 24 (9) "NATUROPATHIC DOCTOR" OR "REGISTRANT" MEANS A PERSON
25 WHO IS REGISTERED BY THE DIRECTOR TO PRACTICE NATUROPATHIC
26 MEDICINE PURSUANT TO THIS ARTICLE.
- 27 (10) "NATUROPATHIC FORMULARY" MEANS THE LIST OF

1 NONPRESCRIPTION CLASSES OF MEDICINES DETERMINED BY THE DIRECTOR
2 THAT NATUROPATHIC DOCTORS USE IN THE PRACTICE OF NATUROPATHIC
3 MEDICINE.

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

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

19 **12-37.3-103. Naturopathic medicine advisory committee -**
20 **creation - membership - duties.** (1) (a) THE NATUROPATHIC MEDICINE
21 ADVISORY COMMITTEE IS HEREBY CREATED IN THE DEPARTMENT OF
22 REGULATORY AGENCIES AS THE ENTITY RESPONSIBLE FOR ADVISING THE
23 DIRECTOR IN THE REGULATION OF THE PRACTICE OF NATUROPATHIC
24 MEDICINE BY NATUROPATHIC DOCTORS AND THE IMPLEMENTATION OF THIS
25 ARTICLE.

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

1 (A) THREE MEMBERS WHO ARE NATUROPATHIC DOCTORS;

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

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

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

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

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

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

1 1 OF THE APPLICABLE YEAR.

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

4 (2) THE ADVISORY COMMITTEE SHALL ADVISE THE DIRECTOR IN
5 THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE AND RULES
6 ADOPTED UNDER THIS ARTICLE.

7 (3) MEMBERS OF THE ADVISORY COMMITTEE SHALL NOT RECEIVE
8 COMPENSATION FOR THEIR SERVICES BUT ARE ENTITLED TO
9 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES THEY INCUR IN
10 PERFORMING THEIR DUTIES.

11 **12-37.3-104. Director powers and duties.** (1) IN ADDITION TO
12 ANY OTHER POWERS AND DUTIES GRANTED OR IMPOSED ON THE DIRECTOR
13 UNDER THIS ARTICLE, THE DIRECTOR SHALL:

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

15 (b) ESTABLISH THE FORM AND MANNER IN WHICH APPLICANTS ARE
16 TO APPLY FOR A NEW REGISTRATION OR TO RENEW A REGISTRATION;

17 (c) RECEIVE, REVIEW, AND APPROVE OR DENY APPLICATIONS FOR
18 REGISTRATIONS AND ISSUE AND RENEW REGISTRATIONS UNDER THIS
19 ARTICLE;

20 (d) ESTABLISH FEES FOR REGISTRATION APPLICATIONS AND
21 RENEWAL APPLICATIONS IN THE MANNER AUTHORIZED BY SECTION
22 24-34-105, C.R.S.;

23 (e) CONDUCT INVESTIGATIONS, HOLD HEARINGS, TAKE EVIDENCE,
24 AND PURSUE DISCIPLINARY ACTIONS PURSUANT TO SECTION 12-37.3-112
25 WITH RESPECT TO COMPLAINTS AGAINST NATUROPATHIC DOCTORS WHEN
26 THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
27 NATUROPATHIC DOCTOR IS VIOLATING THIS ARTICLE OR RULES ADOPTED

1 PURSUANT TO THIS ARTICLE, AND TO SUBPOENA WITNESSES, ADMINISTER
2 OATHS, AND COMPEL THE TESTIMONY OF WITNESSES AND THE PRODUCTION
3 OF BOOKS, PAPERS, AND RECORDS RELEVANT TO THOSE INVESTIGATIONS
4 OR HEARINGS. ANY SUBPOENA ISSUED PURSUANT TO THIS ARTICLE IS
5 ENFORCEABLE BY THE DISTRICT COURT.

6 (f) PERFORM OTHER FUNCTIONS AND DUTIES NECESSARY TO
7 ADMINISTER THIS ARTICLE.

8 **12-37.3-105. Practice of naturopathic medicine by**
9 **naturopathic doctors - exclusions - protected activities - rules.**

10 (1) THE PRACTICE OF NATUROPATHIC MEDICINE BY A NATUROPATHIC
11 DOCTOR INCLUDES THE FOLLOWING:

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

15 (b) THE USE OF PHYSICAL EXAMINATIONS AND THE ORDERING OF
16 CLINICAL, LABORATORY, AND RADIOLOGICAL DIAGNOSTIC PROCEDURES
17 FROM LICENSED OR CERTIFIED HEALTH CARE FACILITIES OR LABORATORIES
18 FOR THE PURPOSE OF DIAGNOSING AND EVALUATING INJURIES, DISEASES,
19 AND CONDITIONS IN THE HUMAN BODY; OR

20 (c) DISPENSING, ADMINISTERING, AND ORDERING MEDICINES
21 LISTED IN THE NATUROPATHIC FORMULARY, THERAPEUTIC DEVICES, AND
22 BARRIER CONTRACEPTIVES, EXCLUDING INTRAUTERINE DEVICES.

23 (2) A NATUROPATHIC DOCTOR SHALL NOT:

24 (a) PRESCRIBE, DISPENSE, ADMINISTER, OR INJECT A CONTROLLED
25 SUBSTANCE OR DEVICE IDENTIFIED IN THE FEDERAL "CONTROLLED
26 SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET SEQ., AS AMENDED.

27 (b) PERFORM SURGICAL PROCEDURES, INCLUDING SURGICAL

1 PROCEDURES USING A LASER DEVICE;

2 (c) USE GENERAL OR SPINAL ANESTHETICS, OTHER THAN TOPICAL

3 ANESTHETICS;

4 (d) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR

5 THERAPEUTIC PURPOSES;

6 (e) TREAT A CHILD WHO IS LESS THAN TWO YEARS OF AGE;

7 (f) TREAT A CHILD WHO IS TWO YEARS OF AGE OR OLDER BUT LESS

8 THAN EIGHT YEARS OF AGE, UNLESS THE NATUROPATHIC DOCTOR:

9 (I) DEMONSTRATES SUCCESSFUL COMPLETION OF THREE HOURS

10 PER YEAR OF EDUCATION OR PRACTICUM TRAINING SOLELY RELATED TO

11 PEDIATRICS IN ACCORDANCE WITH CONTINUING PROFESSIONAL

12 COMPETENCY REQUIREMENTS APPROVED BY THE DIRECTOR PURSUANT TO

13 SECTION 12-37.3-108; AND

14 (II) REQUIRES THE CHILD'S PARENT OR LEGAL GUARDIAN TO SIGN

15 AN INFORMED CONSENT THAT:

16 (A) DISCLOSES THAT THE NATUROPATHIC DOCTOR IS REGISTERED

17 PURSUANT TO THIS ARTICLE;

18 (B) DISCLOSES THAT THE NATUROPATHIC DOCTOR IS NOT A

19 PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE;

20 (C) RECOMMENDS THAT THE CHILD HAVE A RELATIONSHIP WITH

21 A LICENSED PEDIATRIC HEALTH CARE PROVIDER; AND

22 (D) IF THE CHILD HAS A RELATIONSHIP WITH A LICENSED PEDIATRIC

23 HEALTH CARE PROVIDER, REQUESTS PERMISSION FROM THE PARENT OR

24 LEGAL GUARDIAN FOR THE NATUROPATHIC DOCTOR TO ATTEMPT TO

25 DEVELOP AND MAINTAIN A COLLABORATIVE RELATIONSHIP WITH THE

26 LICENSED PEDIATRIC HEALTH CARE PROVIDER, AS DEFINED BY DIRECTOR

27 RULES;

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

4 (h) PRACTICE OBSTETRICS; OR

5 (i) RECOMMEND THE DISCONTINUATION OF, OR COUNSEL AGAINST,
6 A COURSE OF CARE, INCLUDING A PRESCRIPTION DRUG THAT WAS
7 RECOMMENDED OR PRESCRIBED BY ANOTHER HEALTH CARE PRACTITIONER
8 LICENSED IN THIS STATE, UNLESS THE NATUROPATHIC DOCTOR CONSULTS
9 WITH THE HEALTH CARE PRACTITIONER WHO RECOMMENDED THE COURSE
10 OF CARE.

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

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

17 (b) THE PRACTICE OF NATUROPATHIC MEDICINE BY A PERSON
18 EMPLOYED BY THE FEDERAL GOVERNMENT WHILE THE PERSON IS ENGAGED
19 IN THE PERFORMANCE OF HIS OR HER DUTIES;

20 (c) THE PRACTICE OF NATUROPATHIC MEDICINE BY STUDENTS
21 ENROLLED IN AN APPROVED NATUROPATHIC MEDICAL COLLEGE IF THE
22 PERFORMANCE OF SERVICES IS PURSUANT TO A COURSE OF INSTRUCTION
23 OR ASSIGNMENTS FROM AND UNDER THE SUPERVISION OF AN INSTRUCTOR
24 WHO IS A NATUROPATHIC DOCTOR OR A LICENSED PROFESSIONAL IN THE
25 FIELD IN WHICH HE OR SHE IS PROVIDING INSTRUCTION;

26 (d) ANY PERSON FROM ADMINISTERING A DOMESTIC OR FAMILY
27 REMEDY TO ONESELF OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY

1 BASED ON RELIGIOUS OR HEALTH BELIEFS;

2 (e) ANY PERSON FROM RENDERING AID IN AN EMERGENCY WHEN
3 NO FEE OR OTHER CONSIDERATION OF VALUE FOR THE SERVICES IS
4 CHARGED, RECEIVED, EXPECTED, OR CONTEMPLATED; OR

5 (f) ANY PERSON ENGAGED IN SELLING VITAMINS, HEALTH FOODS,
6 DIETARY SUPPLEMENTS, HERBS, OR OTHER NATURAL PRODUCTS, THE SALE
7 OF WHICH IS NOT OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW,
8 FROM SELLING OR PROVIDING INFORMATION ABOUT THE PRODUCTS.

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

16 (b) BEFORE CONDUCTING AN INITIAL EXAMINATION OF A PATIENT,
17 A NATUROPATHIC DOCTOR SHALL OBTAIN THE PATIENT'S INFORMED
18 CONSENT TO THE EXAMINATION, EVIDENCED BY A WRITTEN STATEMENT IN
19 A FORM PRESCRIBED BY THE DIRECTOR AND SIGNED BY BOTH THE PATIENT
20 AND THE NATUROPATHIC DOCTOR.

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

24 (d) A NATUROPATHIC DOCTOR SHALL REFER A PATIENT TO
25 ANOTHER HEALTH CARE PROFESSIONAL IF THE PATIENT'S NEEDS ARE
26 BEYOND THE NATUROPATHIC DOCTOR'S SCOPE OF KNOWLEDGE AND
27 PRACTICE.

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

7 (6) A PERSON WHO IS NOT REGISTERED AS A NATUROPATHIC
8 DOCTOR UNDER THIS ARTICLE AND WHO PROVIDES NATURAL HEALTH CARE
9 SERVICES OR ADVISES IN THE USE OF NATURAL HEALTH CARE PRODUCTS OR
10 THERAPIES MAY HOLD HIMSELF OR HERSELF OUT AND PRACTICE AS A
11 NATURAL HEALTH CARE PROVIDER, A NATURAL HEALTH CARE
12 PRACTITIONER, AN UNLICENSED COMPLEMENTARY OR ALTERNATIVE
13 HEALTH CARE PRACTITIONER, A HOMEOPATH, A TRADITIONAL
14 NATUROPATH, AN HERBALIST, A PRACTITIONER OF ANOTHER NATURAL
15 HEALTH CARE VOCATION, OR ANY OTHER TITLE THAT DESCRIBES THE
16 PRACTICE OR SERVICES BEING PROVIDED.

17 **12-37.3-106. Registration required - qualifications -**
18 **examination - registration by endorsement - rules.** (1) EFFECTIVE
19 JUNE 1, 2014, A PERSON SHALL NOT PRACTICE AS A NATUROPATHIC
20 DOCTOR IN THIS STATE WITHOUT A REGISTRATION.

21 (2) AN APPLICANT FOR A REGISTRATION TO PRACTICE AS A
22 NATUROPATHIC DOCTOR IN THIS STATE SHALL SUBMIT AN APPLICATION TO
23 THE DIRECTOR IN A FORM AND MANNER DETERMINED BY THE DIRECTOR BY
24 RULE, ACCOMPANIED BY THE FEE REQUIRED PURSUANT TO SECTION
25 12-37.3-104 (1) (d). THE DIRECTOR SHALL ISSUE A REGISTRATION TO
26 PRACTICE AS A NATUROPATHIC DOCTOR TO AN APPLICANT UPON RECEIPT
27 OF SATISFACTORY PROOF THAT THE APPLICANT:

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

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

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

9 (d) HAS SUCCESSFULLY PASSED EITHER A DIRECTOR-APPROVED
10 EXAMINATION OR A COMPREHENSIVE COMPETENCY-BASED NATIONAL
11 NATUROPATHIC LICENSING EXAMINATION ADMINISTERED BY THE NORTH
12 AMERICAN BOARD OF NATUROPATHIC EXAMINERS OR A NATIONALLY
13 RECOGNIZED, DIRECTOR-APPROVED SUCCESSOR ENTITY, AS DETERMINED
14 BY THE DIRECTOR BY RULE; AND

15 (e) HAS NOT HAD A LICENSE OR OTHER AUTHORIZATION TO
16 PRACTICE AS A NATUROPATHIC DOCTOR OR OTHER HEALTH CARE LICENSE,
17 REGISTRATION, OR CERTIFICATION DENIED, REVOKED, OR SUSPENDED BY
18 COLORADO OR ANY OTHER JURISDICTION FOR REASONS THAT RELATE TO
19 THE APPLICANT'S ABILITY TO SKILLFULLY AND SAFELY PRACTICE
20 NATUROPATHIC MEDICINE, UNLESS THE LICENSE, REGISTRATION, OR
21 CERTIFICATION IS REINSTATED TO GOOD STANDING BY COLORADO OR
22 ANOTHER JURISDICTION.

23 (3) THE DIRECTOR MAY ISSUE A REGISTRATION BY ENDORSEMENT
24 TO ENGAGE IN THE PRACTICE OF NATUROPATHIC MEDICINE TO AN
25 APPLICANT WHO HAS A LICENSE, CERTIFICATION, OR REGISTRATION IN
26 GOOD STANDING AS A NATUROPATHIC DOCTOR UNDER THE LAWS OF
27 ANOTHER JURISDICTION IF THE APPLICANT PRESENTS SATISFACTORY PROOF

1 TO THE DIRECTOR THAT, AT THE TIME OF APPLICATION FOR A COLORADO
2 REGISTRATION BY ENDORSEMENT, THE APPLICANT POSSESSES
3 CREDENTIALS AND QUALIFICATIONS THAT ARE SUBSTANTIALLY
4 EQUIVALENT TO THE REQUIREMENTS OF THIS SECTION. THE DIRECTOR MAY
5 ADOPT RULES CONCERNING THE NECESSARY APPLICANT CREDENTIALS AND
6 QUALIFICATIONS.

7 **12-37.3-107. Registration renewal or reinstatement - fees.** A
8 NATUROPATHIC DOCTOR SHALL RENEW OR REINSTATE HIS OR HER
9 REGISTRATION PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR,
10 AND THE DIRECTOR SHALL RENEW OR REINSTATE A REGISTRATION IN
11 ACCORDANCE WITH SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY
12 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT
13 PURSUANT TO SECTION 24-34-105, C.R.S., AND SHALL INCREASE RENEWAL
14 FEES CONSISTENT WITH SECTION 24-34-109 (4), C.R.S., TO FUND THE
15 DIVISION'S COSTS IN ADMINISTERING THIS ARTICLE. IF A PERSON FAILS TO
16 RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE
17 ESTABLISHED BY THE DIRECTOR, THE REGISTRATION EXPIRES. A PERSON
18 WHOSE REGISTRATION EXPIRES IS SUBJECT TO THE PENALTIES PROVIDED
19 IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S. THE DIRECTOR SHALL
20 TRANSMIT FEES COLLECTED PURSUANT TO THIS SECTION OR SECTION
21 12-37.3-106 TO THE STATE TREASURER FOR DEPOSIT IN THE DIVISION OF
22 PROFESSIONS AND OCCUPATIONS CASH FUND PURSUANT TO SECTION
23 24-34-105, C.R.S.

24 **12-37.3-108. Continuing professional competency - rules.**

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

27 (b) THE DIRECTOR SHALL ADOPT RULES ESTABLISHING A

1 CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT
2 A MINIMUM, THE FOLLOWING ELEMENTS:

3 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A
4 NATUROPATHIC DOCTOR SEEKING TO RENEW OR REINSTATE A
5 REGISTRATION;

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

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

13 (c) THE DIRECTOR SHALL ESTABLISH THAT A NATUROPATHIC
14 DOCTOR SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF THIS
15 SECTION IF THE NATUROPATHIC DOCTOR MEETS THE CONTINUING
16 PROFESSIONAL COMPETENCY REQUIREMENTS OF ONE OF THE FOLLOWING
17 ENTITIES:

18 (I) A STATE DEPARTMENT, INCLUDING CONTINUING PROFESSIONAL
19 COMPETENCY REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL
20 ARRANGEMENT WITH A PROVIDER;

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

22 (III) AN ENTITY APPROVED BY THE DIRECTOR.

23 (d) (I) AFTER THE PROGRAM IS ESTABLISHED, A NATUROPATHIC
24 DOCTOR SHALL SATISFY THE REQUIREMENTS OF THE PROGRAM IN ORDER
25 TO RENEW OR REINSTATE A REGISTRATION TO PRACTICE NATUROPATHIC
26 MEDICINE.

27 (II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL

1 NATUROPATHIC DOCTORS, AND NOTHING IN THIS SECTION REQUIRES A
2 PERSON WHO EMPLOYS OR CONTRACTS WITH A NATUROPATHIC DOCTOR TO
3 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

4 (2) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION
5 DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING
6 PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT
7 SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION
8 WITH A CIVIL ACTION AGAINST A NATUROPATHIC DOCTOR. NEITHER THE
9 DIRECTOR NOR ANY OTHER PERSON SHALL USE THE RECORDS OR
10 DOCUMENTS UNLESS USED BY THE DIRECTOR TO DETERMINE WHETHER A
11 NATUROPATHIC DOCTOR IS MAINTAINING CONTINUING PROFESSIONAL
12 COMPETENCY TO ENGAGE IN THE PROFESSION.

13 **12-37.3-109. Compliance with transparency requirements.** A
14 NATUROPATHIC DOCTOR SHALL COMPLY WITH SECTION 24-34-110, C.R.S.,
15 REGARDING THE DISCLOSURE OF INFORMATION TO THE DIRECTOR.

16 **12-37.3-110. Persons entitled to practice as naturopathic**
17 **doctors - title protection for naturopathic doctors.** (1) A PERSON
18 SHALL NOT HOLD HIMSELF OR HERSELF OUT AS A NATUROPATHIC DOCTOR
19 OR USE ANY OF THE TITLES OR INITIALS REFERRED TO IN SUBSECTION (2)
20 OF THIS SECTION UNLESS THE PERSON IS REGISTERED AS A NATUROPATHIC
21 DOCTOR PURSUANT TO THIS ARTICLE.

22 (2) A NATUROPATHIC DOCTOR MAY USE THE TITLE
23 "NATUROPATHIC DOCTOR", OR "DOCTOR OF NATUROPATHY", OR THE
24 INITIALS "N.D."

25 (3) A NATUROPATHIC DOCTOR SHALL NOT USE:

26 (a) THE TERM "PHYSICIAN";

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

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

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

5 **12-37.3-111. Disclosures - record-keeping.** (1) A
6 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION
7 IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE DIRECTOR:

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

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

11 (c) A STATEMENT THAT NATUROPATHIC DOCTORS ARE REGISTERED
12 BY THE STATE TO PRACTICE NATUROPATHIC MEDICINE UNDER THE
13 "NATUROPATHIC DOCTOR ACT";

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

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

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

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

24 (3) IF A NATUROPATHIC DOCTOR TREATS ANY PATIENT WHO IS
25 SEEKING TREATMENT FOR CANCER, THE NATUROPATHIC DOCTOR SHALL
26 RECOMMEND TO THE PATIENT THAT THE PATIENT CONSULT WITH A
27 LICENSED PHYSICIAN SPECIALIZING IN ONCOLOGY AND DOCUMENT THE

1 RECOMMENDATION IN WRITING.

2 **12-37.3-112. Grounds for discipline - disciplinary actions**

3 **authorized - procedures.** (1) THE DIRECTOR MAY DENY, REVOKE, OR
4 SUSPEND THE REGISTRATION OF, ISSUE A LETTER OF ADMONITION TO, OR
5 PLACE ON PROBATION A NATUROPATHIC DOCTOR FOR ANY OF THE
6 FOLLOWING ACTS OR OMISSIONS:

7 (a) VIOLATING, OR AIDING OR ABETTING ANOTHER IN THE
8 VIOLATION OF, THIS ARTICLE OR ANY RULE PROMULGATED BY THE
9 DIRECTOR PURSUANT TO THIS ARTICLE;

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

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

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

20 (e) FAILING TO REFER A PATIENT TO AN APPROPRIATE HEALTH
21 CARE PROFESSIONAL WHEN THE SERVICES REQUIRED BY THE PATIENT ARE
22 BEYOND THE LEVEL OF COMPETENCE OF THE NATUROPATHIC DOCTOR OR
23 BEYOND THE SCOPE OF NATUROPATHIC MEDICINE PRACTICE;

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

26 (g) FALSIFYING, REPEATEDLY FAILING TO MAKE ESSENTIAL
27 ENTRIES IN, OR REPEATEDLY MAKING INCORRECT ESSENTIAL ENTRIES IN

1 PATIENT RECORDS;

2 (h) CONVICTION OF A FELONY, AN OFFENSE OF MORAL TURPITUDE,
3 OR A CRIME THAT WOULD CONSTITUTE A VIOLATION OF THIS ARTICLE. FOR
4 PURPOSES OF THIS PARAGRAPH (h), "CONVICTION" INCLUDES THE ENTRY
5 OF A PLEA OF GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF A
6 DEFERRED SENTENCE OR JUDGMENT.

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

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

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

19 (l) ADVERTISING THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,
20 DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE
21 NATUROPATHIC DOCTOR WILL PERFORM ANY ACT PROHIBITED BY SECTION
22 18-13-119 (3), C.R.S.;

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

24 (n) FAILING TO REPORT TO THE DIRECTOR, WITHIN THIRTY DAYS
25 AFTER AN ADVERSE ACTION, THAT AN ADVERSE ACTION HAS BEEN TAKEN
26 AGAINST THE NATUROPATHIC DOCTOR BY A LICENSING AGENCY IN
27 ANOTHER STATE OR COUNTRY, A PEER REVIEW BODY, A HEALTH CARE

1 INSTITUTION, A PROFESSIONAL OR NATUROPATHIC MEDICAL SOCIETY OR
2 ASSOCIATION, A GOVERNMENTAL AGENCY, A LAW ENFORCEMENT AGENCY,
3 OR A COURT FOR ACTS OR CONDUCT THAT WOULD CONSTITUTE GROUNDS
4 FOR DISCIPLINARY OR ADVERSE ACTION AS DESCRIBED IN THIS ARTICLE;

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

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

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

14 (p) (I) FAILING TO NOTIFY THE DIRECTOR OF A PHYSICAL OR
15 MENTAL ILLNESS OR CONDITION THAT AFFECTS THE NATUROPATHIC
16 DOCTOR'S ABILITY TO TREAT PATIENTS WITH REASONABLE SKILL AND
17 SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS
18 UNDER HIS OR HER CARE;

19 (II) FAILING TO ACT WITHIN THE LIMITATIONS CREATED BY A
20 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE
21 NATUROPATHIC DOCTOR UNABLE TO PRACTICE NATUROPATHIC MEDICINE
22 WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE
23 HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER CARE; OR

24 (III) FAILING TO COMPLY WITH THE LIMITATIONS AGREED TO
25 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION
26 12-37.3-116;

27 (q) FAILING TO TIMELY RESPOND TO A COMPLAINT FILED AGAINST

1 THE NATUROPATHIC DOCTOR;

2 (r) FAILING TO DEVELOP A WRITTEN PLAN FOR THE SECURITY OF

3 PATIENT MEDICAL RECORDS IN ACCORDANCE WITH SECTION 12-37.3-115;

4 (s) REFUSING TO SUBMIT TO A PHYSICAL OR MENTAL EXAMINATION

5 WHEN SO ORDERED BY THE DIRECTOR PURSUANT TO SECTION 12-37.3-117;

6 (t) FAILING TO OBTAIN AND CONTINUALLY MAINTAIN

7 PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION

8 12-37.3-114.

9 (2) IN ADDITION TO OR AS AN ALTERNATIVE TO THE DISCIPLINE

10 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR MAY

11 ASSESS AN ADMINISTRATIVE FINE OF UP TO FIVE THOUSAND DOLLARS

12 AGAINST A NATUROPATHIC DOCTOR WHO COMMITS ANY OF THE ACTS OR

13 OMISSIONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE DIRECTOR

14 SHALL TRANSMIT ANY MONEYS COLLECTED PURSUANT TO THIS

15 SUBSECTION (2) TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL

16 FUND.

17 (3) ANY PERSON WHOSE REGISTRATION IS REVOKED OR WHO

18 SURRENDERS HIS OR HER REGISTRATION TO AVOID DISCIPLINE IS

19 INELIGIBLE TO APPLY FOR A REGISTRATION UNDER THIS ARTICLE FOR AT

20 LEAST TWO YEARS AFTER THE DATE OF REVOCATION OR SURRENDER OF

21 THE REGISTRATION.

22 (4) THE DIRECTOR SHALL CONDUCT ANY PROCEEDING TO DENY,

23 SUSPEND, OR REVOKE A REGISTRATION OR PLACE A NATUROPATHIC

24 DOCTOR ON PROBATION IN ACCORDANCE WITH SECTIONS 24-4-104 AND

25 24-4-105, C.R.S. THE DIRECTOR MAY DESIGNATE AN ADMINISTRATIVE

26 LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO

27 CONDUCT THE PROCEEDING. THE ADMINISTRATIVE LAW JUDGE SHALL

1 CONDUCT THE PROCEEDING IN ACCORDANCE WITH SECTIONS 24-4-104 AND
2 24-4-105, C.R.S. A FINAL DECISION OF THE DIRECTOR OR THE
3 ADMINISTRATIVE LAW JUDGE IS SUBJECT TO JUDICIAL REVIEW BY THE
4 COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S.

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

10 (6) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY
11 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE
12 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE
13 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
14 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,
15 ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR OR
16 ADMINISTRATIVE LAW JUDGE. THE DIRECTOR MAY APPOINT AN
17 ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF
18 TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT
19 THEM TO THE DIRECTOR, INCLUDING HOSPITAL AND NATUROPATHIC
20 DOCTOR RECORDS. THE PERSON PROVIDING COPIES OF RECORDS SHALL
21 PREPARE THE COPIES FROM THE ORIGINAL RECORD, DELETING THE NAME
22 OF THE PATIENT AND INSTEAD IDENTIFYING THE PATIENT BY A NUMBERED
23 CODE. UPON CERTIFICATION BY THE CUSTODIAN THAT THE COPIES ARE
24 TRUE AND COMPLETE EXCEPT FOR THE PATIENT'S NAME, THE COPIES ARE
25 DEEMED AUTHENTIC, SUBJECT TO THE RIGHT TO INSPECT THE ORIGINALS
26 FOR THE LIMITED PURPOSE OF ASCERTAINING THE ACCURACY OF THE
27 COPIES. THE COPIES ARE NOT CONFIDENTIAL, AND THE DIRECTOR OR

1 CUSTODIAN OF THE RECORDS AND THEIR AUTHORIZED EMPLOYEES ARE
2 NOT LIABLE FOR FURNISHING OR USING THE COPIES IN ACCORDANCE WITH
3 THIS SECTION.

4 (b) IF A WITNESS OR NATUROPATHIC DOCTOR FAILS TO COMPLY
5 WITH A SUBPOENA OR PROCESS, THE DIRECTOR MAY APPLY TO THE
6 DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR
7 NATUROPATHIC DOCTOR RESIDES OR CONDUCTS BUSINESS FOR AN ORDER
8 DIRECTING THE PERSON OR NATUROPATHIC DOCTOR TO APPEAR BEFORE
9 THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS,
10 DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE
11 EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION.
12 THE DIRECTOR SHALL PROVIDE NOTICE TO THE SUBPOENAED PERSON OR
13 NATUROPATHIC DOCTOR OF THE DIRECTOR'S APPLICATION TO THE DISTRICT
14 COURT, AND THE COURT SHALL NOT ISSUE THE ORDER ABSENT THE NOTICE.
15 IF THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR FAILS TO OBEY
16 THE COURT'S ORDER, THE COURT MAY HOLD THE PERSON IN CONTEMPT OF
17 COURT.

18 (7) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
19 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
20 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
21 BE DISMISSED AS BEING WITHOUT MERIT, THE DIRECTOR MAY ISSUE A
22 LETTER OF ADMONITION TO THE NATUROPATHIC DOCTOR.

23 (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A
24 REGISTRANT, THE LETTER MUST ADVISE THE REGISTRANT THAT HE OR SHE
25 HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER
26 RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE
27 INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH

1 THE LETTER OF ADMONITION IS BASED.

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

5 (8) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
6 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE
7 DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, SHOULD BE DISMISSED,
8 BUT THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT
9 CONDUCT BY THE REGISTRANT THAT COULD LEAD TO SERIOUS
10 CONSEQUENCES IF NOT CORRECTED, THE DIRECTOR MAY SEND THE
11 REGISTRANT A CONFIDENTIAL LETTER OF CONCERN.

12 (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
13 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
14 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE
15 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
16 PROSECUTION.

17 (10) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
18 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
19 A REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO
20 THE HEALTH AND SAFETY OF THE PUBLIC OR A PERSON IS ACTING OR HAS
21 ACTED WITHOUT THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE
22 AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE DIRECTOR SHALL SET
23 FORTH IN THE ORDER THE STATUTES AND RULES ALLEGED TO HAVE BEEN
24 VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION,
25 AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNREGISTERED
26 PRACTICES IMMEDIATELY CEASE.

27 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND

1 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10), THE
2 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
3 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE
4 DIRECTOR OR ADMINISTRATIVE LAW JUDGE SHALL CONDUCT THE HEARING
5 IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S.

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

13 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY THE PERSON THAT HE
14 OR SHE HAS BEEN ISSUED AN ORDER TO SHOW CAUSE. THE DIRECTOR
15 SHALL INCLUDE IN THE NOTICE A COPY OF THE ORDER, THE FACTUAL AND
16 LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
17 HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE
18 PERSON BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL,
19 POSTAGE PREPAID, OR IN ANY OTHER MANNER THAT IS PRACTICABLE.
20 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT
21 TO THIS SUBSECTION (11) CONSTITUTES NOTICE TO THE PERSON.

22 (c) (I) THE DIRECTOR SHALL COMMENCE THE HEARING ON AN
23 ORDER TO SHOW CAUSE NO EARLIER THAN TEN AND NO LATER THAN
24 FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR
25 SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN
26 PARAGRAPH (b) OF THIS SUBSECTION (11). THE DIRECTOR MAY CONTINUE
27 THE HEARING UPON AGREEMENT OF ALL PARTIES BASED UPON THE

1 COMPLEXITY OF THE MATTER, THE NUMBER OF PARTIES TO THE MATTER,
2 AND THE LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT
3 SHALL THE DIRECTOR CONTINUE THE HEARING MORE THAN SIXTY
4 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE
5 NOTIFICATION.

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

17 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
18 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
19 HAS ACTED WITHOUT THE REQUIRED REGISTRATION OR HAS OR IS ABOUT
20 TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS
21 ARTICLE, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST ORDER
22 DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL
23 ACTS OR UNREGISTERED PRACTICES.

24 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
25 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (11), OF THE FINAL
26 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
27 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON

1 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER IS
2 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL
3 REVIEW.

4 (12) THE DIRECTOR MAY ENTER INTO A STIPULATION WITH A
5 PERSON IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE
6 PRESENTED TO THE DIRECTOR, THAT THE PERSON HAS ENGAGED IN OR IS
7 ABOUT TO ENGAGE IN:

8 (a) AN UNREGISTERED ACT OR PRACTICE;

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

11 (c) A VIOLATION OF AN ORDER ISSUED PURSUANT TO THIS ARTICLE;

12 OR

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

15 (13) IF A PERSON FAILS TO COMPLY WITH A FINAL
16 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
17 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
18 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION OCCURRED OR IS
19 OCCURRING TO BRING, AND IF SO REQUESTED THE ATTORNEY SHALL BRING,
20 SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF
21 TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL
22 ORDER.

23 (14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST
24 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION
25 OR OF THE DIRECTOR'S FINAL ORDER IN A COURT OF COMPETENT
26 JURISDICTION.

27 **12-37.3-113. Unauthorized practice - penalties.** A PERSON WHO

1 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A NATUROPATHIC
2 DOCTOR WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE
3 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED
4 IN SECTION 18-1.3-501, C.R.S.

5 **12-37.3-114. Professional liability insurance required -**
6 **vicarious liability - rules.** (1) IT IS UNLAWFUL FOR A PERSON TO
7 PRACTICE AS A NATUROPATHIC DOCTOR IN THIS STATE UNLESS THE PERSON
8 IS COVERED BY PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT
9 LESS THAN ONE MILLION DOLLARS.

10 (2) PROFESSIONAL LIABILITY INSURANCE REQUIRED BY THIS
11 SECTION MUST COVER ALL ACTS WITHIN THE SCOPE OF PRACTICE OF A
12 NATUROPATHIC DOCTOR.

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

15 **12-37.3-115. Protection of medical records - registrant's**
16 **obligations - verification of compliance - noncompliance grounds for**
17 **discipline - rules.** (1) EACH NATUROPATHIC DOCTOR SHALL DEVELOP A
18 WRITTEN PLAN TO ENSURE THE SECURITY OF PATIENT MEDICAL RECORDS.
19 THE PLAN MUST ADDRESS AT LEAST THE FOLLOWING:

20 (a) THE STORAGE AND PROPER DISPOSAL OF PATIENT MEDICAL
21 RECORDS;

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

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

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

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

8 (4) THE DIRECTOR MAY ADOPT RULES REASONABLY NECESSARY TO
9 IMPLEMENT THIS SECTION.

10 **12-37.3-116. Confidential agreement to limit practice -**
11 **violation - grounds for discipline.** (1) IF A NATUROPATHIC DOCTOR HAS
12 A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS HIM OR
13 HER UNABLE TO PRACTICE NATUROPATHIC MEDICINE WITH REASONABLE
14 SKILL AND SAFETY TO PATIENTS, THE NATUROPATHIC DOCTOR SHALL
15 NOTIFY THE DIRECTOR OF THE ILLNESS OR CONDITION IN A MANNER AND
16 WITHIN A PERIOD DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY
17 REQUIRE THE NATUROPATHIC DOCTOR TO SUBMIT TO AN EXAMINATION TO
18 EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON
19 THE NATUROPATHIC DOCTOR'S ABILITY TO PRACTICE NATUROPATHIC
20 MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

21 (2) (a) UPON DETERMINING THAT A NATUROPATHIC DOCTOR WITH
22 A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER
23 LIMITED SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS,
24 THE DIRECTOR MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE
25 NATUROPATHIC DOCTOR IN WHICH THE NATUROPATHIC DOCTOR AGREES
26 TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY
27 THE ILLNESS OR CONDITION, AS DETERMINED BY THE DIRECTOR.

1 (b) AS PART OF THE AGREEMENT, THE NATUROPATHIC DOCTOR IS
2 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED
3 APPROPRIATE BY THE DIRECTOR.

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

6 (3) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR
7 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, A
8 NATUROPATHIC DOCTOR IS NOT ENGAGING IN ACTIVITIES THAT ARE
9 PROHIBITED PURSUANT TO SECTION 12-37.3-112. THE AGREEMENT DOES
10 NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE DIRECTOR.
11 HOWEVER, IF THE NATUROPATHIC DOCTOR FAILS TO COMPLY WITH THE
12 TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, THE
13 FAILURE CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION
14 12-37.3-112 (1) (p), AND THE NATUROPATHIC DOCTOR IS SUBJECT TO
15 DISCIPLINE IN ACCORDANCE WITH SECTION 12-37.3-112.

16 (4) THIS SECTION DOES NOT APPLY TO A NATUROPATHIC DOCTOR
17 SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES AS DESCRIBED IN
18 SECTION 12-37.3-112 (1) (d).

19 **12-37.3-117. Mental and physical examination of registrants.**

20 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
21 REGISTRANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND
22 SAFETY, THE DIRECTOR MAY REQUIRE THE REGISTRANT TO TAKE A MENTAL
23 OR PHYSICAL EXAMINATION BY A HEALTH CARE PROVIDER DESIGNATED BY
24 THE DIRECTOR. IF THE REGISTRANT REFUSES TO UNDERGO A MENTAL OR
25 PHYSICAL EXAMINATION, UNLESS DUE TO CIRCUMSTANCES BEYOND THE
26 REGISTRANT'S CONTROL, THE DIRECTOR MAY SUSPEND THE REGISTRANT'S
27 REGISTRATION UNTIL THE RESULTS OF THE EXAMINATION ARE KNOWN AND

1 THE DIRECTOR HAS MADE A DETERMINATION OF THE REGISTRANT'S
2 FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR
3 EXAMINATION AND DETERMINATION IN A TIMELY MANNER.

4 (2) THE DIRECTOR SHALL INCLUDE IN AN ORDER ISSUED UNDER
5 SUBSECTION (1) OF THIS SECTION THE BASIS OF THE DIRECTOR'S
6 REASONABLE CAUSE TO BELIEVE THAT THE REGISTRANT IS UNABLE TO
7 PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR THE PURPOSES OF A
8 DISCIPLINARY PROCEEDING AUTHORIZED BY THIS ARTICLE, THE
9 REGISTRANT IS DEEMED TO WAIVE ALL OBJECTIONS TO THE ADMISSIBILITY
10 OF THE EXAMINING HEALTH CARE PROVIDER'S TESTIMONY OR
11 EXAMINATION REPORTS ON THE GROUND THAT THE TESTIMONY AND
12 REPORTS ARE PRIVILEGED COMMUNICATIONS.

13 (3) THE REGISTRANT MAY SUBMIT TO THE DIRECTOR TESTIMONY
14 OR EXAMINATION REPORTS FROM A HEALTH CARE PROVIDER CHOSEN BY
15 THE REGISTRANT PERTAINING TO THE CONDITION THAT THE DIRECTOR
16 ALLEGES MAY PRECLUDE THE REGISTRANT FROM PRACTICING WITH
17 REASONABLE SKILL AND SAFETY. THE DIRECTOR MAY CONSIDER
18 TESTIMONY AND EXAMINATION REPORTS SUBMITTED BY THE REGISTRANT
19 IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND
20 EXAMINATION REPORTS OF THE HEALTH CARE PROVIDER DESIGNATED BY
21 THE DIRECTOR.

22 (4) A PERSON SHALL NOT USE THE RESULTS OF ANY MENTAL OR
23 PHYSICAL EXAMINATION ORDERED BY THE DIRECTOR AS EVIDENCE IN ANY
24 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR. THE EXAMINATION
25 RESULTS ARE NOT PUBLIC RECORDS AND ARE NOT AVAILABLE TO THE
26 PUBLIC.

27 **12-37.3-118. Inactive registration - rules.** A NATUROPATHIC

1 DOCTOR MAY REQUEST THAT THE DIRECTOR INACTIVATE OR ACTIVATE THE
2 NATUROPATHIC DOCTOR'S REGISTRATION. THE DIRECTOR SHALL
3 PROMULGATE RULES GOVERNING THE ACTIVATION AND INACTIVATION OF
4 REGISTRATIONS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
5 DIRECTOR'S RULES MAY LIMIT THE APPLICABILITY OF STATUTORY
6 REQUIREMENTS FOR MAINTAINING PROFESSIONAL LIABILITY INSURANCE
7 AND CONTINUING PROFESSIONAL COMPETENCY FOR A REGISTRANT WHOSE
8 REGISTRATION IS CURRENTLY INACTIVE. THE DIRECTOR NEED NOT
9 REACTIVATE AN INACTIVE REGISTRATION IF THE NATUROPATHIC DOCTOR
10 HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
11 ACTION UNDER SECTION 12-37.3-112. A NATUROPATHIC DOCTOR WHOSE
12 REGISTRATION IS CURRENTLY INACTIVE SHALL NOT PRACTICE
13 NATUROPATHIC MEDICINE.

14 **12-37.3-119. Repeal of article.** THIS ARTICLE IS REPEALED,
15 EFFECTIVE SEPTEMBER 1, 2017. PRIOR TO THE REPEAL, THE DEPARTMENT
16 OF REGULATORY AGENCIES SHALL REVIEW REGISTERING OF
17 NATUROPATHIC DOCTORS AS PROVIDED IN SECTION 24-34-104, C.R.S.

18 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**
19 (48.5) (d) as follows:

20 **24-34-104. General assembly review of regulatory agencies**
21 **and functions for termination, continuation, or reestablishment.**

22 (48.5) The following agencies, functions, or both, terminate on
23 September 1, 2017:

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

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

1 **24-34-110. Medical transparency act of 2010 - disclosure of**
2 **information about health care licensees - fines - rules - short title -**
3 **legislative declaration.** (3) (a) As used in this section, "applicant" means
4 a person applying for a new, active license, certification, or registration
5 or to renew, reinstate, or reactivate an active license, certification, or
6 registration to practice:

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

9 **SECTION 4. Appropriation.** (1) In addition to any other
10 appropriation, there is hereby appropriated, out of any moneys in the
11 division of professions and occupations cash fund created in section
12 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise
13 appropriated, to the department of regulatory agencies, for the fiscal year
14 beginning July 1, 2013, the sum of \$90,489 and 0.9 FTE, or so much
15 thereof as may be necessary, to be allocated for the implementation of this
16 act as follows:

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

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

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

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

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

27 (2) In addition to any other appropriation, there is hereby

1 appropriated to the department of law, for the fiscal year beginning July
2 1, 2013, the sum of \$16,995, or so much thereof as may be necessary, for
3 the provision of legal services for the department of regulatory agencies
4 related to the implementation of this act. Said sum is from reappropriated
5 funds received from the department of regulatory agencies out of the
6 appropriation made in paragraph (d) of subsection (1) of this section.

7 (3) In addition to any other appropriation, there is hereby
8 appropriated to the governor - lieutenant governor - state planning and
9 budgeting, for the fiscal year beginning July 1, 2013, the sum of \$5,180,
10 or so much thereof as may be necessary, for allocation to the office of
11 information technology, for the provision of computer center services for
12 the department of regulatory agencies related to the implementation of
13 this act. Said sum is from reappropriated funds received from the
14 department of regulatory agencies out of the appropriation made in
15 paragraph (e) of subsection (1) of this section.

16 **SECTION 5. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2014 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.