

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 15-0368.01 Christy Chase x2008

HOUSE BILL 15-1075

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A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY FOR A REGISTERED NATUROPATHIC**
102 **DOCTOR TO TREAT CHILDREN WHO ARE UNDER TWO YEARS OF**
103 **AGE.**

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>.)

Current law prohibits a registered naturopathic doctor (ND) from treating a child who is under 2 years of age. The bill permits an ND to treat a child who is under 2 years of age if the ND:

- ! Provides the child's parent with the current recommended immunization schedule for children;

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.

SENATE
3rd Reading Unamended
March 11, 2015

SENATE
2nd Reading Unamended
March 10, 2015

HOUSE
3rd Reading Unamended
February 19, 2015

HOUSE
Amended 2nd Reading
February 13, 2015

- ! Demonstrates, prior to treating a child under 2 years of age and in each year in which the ND treats a child under 2 years of age, completion of 3 hours per year of education or training in pediatrics;
- ! Requires the child's parent to sign an informed consent acknowledging that the ND is registered under the "Naturopathic Doctor Act" and is not a licensed physician, recommending that the child maintain a relationship with a licensed pediatric health care provider, and requesting permission to collaborate with the child's pediatric health care provider;
- ! On the first visit, refers a child who does not have a relationship with a pediatric health care provider to a licensed physician who treats pediatric patients for a wellness evaluation; and
- ! Complies with director rules pertaining to the training, referral, and communication requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-37.3-105, **amend**
 3 (2) (e); and **add** (7) as follows:

4 **12-37.3-105. Practice of naturopathic medicine by**
 5 **naturopathic doctors - exclusions - protected activities - rules.** (2) A
 6 naturopathic doctor shall not:

7 (e) Treat a child who is less than two years of age, UNLESS THE
 8 NATUROPATHIC DOCTOR:

9 (I) PROVIDES TO THE PARENT OR LEGAL GUARDIAN OF THE CHILD
 10 A COPY OF THE MOST RECENT IMMUNIZATIONS SCHEDULE RECOMMENDED
 11 BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES TO THE
 12 CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE FEDERAL
 13 DEPARTMENT OF HEALTH AND HUMAN SERVICES AND RECOMMENDS THAT
 14 THE PARENT OR LEGAL GUARDIAN FOLLOW THE IMMUNIZATIONS
 15 SCHEDULE;

16 (II) (A) ON OR AFTER THE EFFECTIVE DATE OF THIS

1 SUBPARAGRAPH (II), EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF
2 THIS SUBPARAGRAPH (II), DEMONSTRATES IN EACH YEAR IN WHICH THE
3 NATUROPATHIC DOCTOR TREATS A CHILD UNDER TWO YEARS OF AGE,
4 SUCCESSFUL COMPLETION OF FIVE HOURS PER YEAR OF EDUCATION OR
5 PRACTICUM TRAINING SOLELY RELATED TO PEDIATRICS IN ACCORDANCE
6 WITH CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS APPROVED
7 BY THE DIRECTOR PURSUANT TO SECTION 12-37.3-108, WHICH INCLUDES
8 SUBJECT MATTER RELATED TO RECOGNIZING A SICK INFANT AND WHEN TO
9 REFER AN INFANT FOR MORE INTENSIVE CARE;

10 (B) IF, PURSUANT TO PARAGRAPH (f) OF THIS SUBSECTION (2), A
11 NATUROPATHIC DOCTOR TREATS CHILDREN WHO ARE TWO YEARS OF AGE
12 OR OLDER BUT LESS THAN EIGHT YEARS OF AGE AND SUCCESSFULLY
13 COMPLETES THREE HOURS PER YEAR OF EDUCATION OR PRACTICUM
14 TRAINING SOLELY RELATED TO PEDIATRICS AS REQUIRED BY
15 SUBPARAGRAPH (II) OF PARAGRAPH (f) OF THIS SUBSECTION (2), THE
16 NATUROPATHIC DOCTOR IS REQUIRED ONLY TO SUCCESSFULLY COMPLETE
17 AN ADDITIONAL TWO HOURS PER YEAR OF EDUCATION OR PRACTICUM
18 TRAINING SOLELY RELATED TO PEDIATRICS TO COMPLY WITH THE
19 REQUIREMENTS OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II).

20 (III) (A) DEVELOPS AND EXECUTES A WRITTEN COLLABORATIVE
21 AGREEMENT WITH A LICENSED PHYSICIAN WHO IS A PEDIATRICIAN OR
22 FAMILY PHYSICIAN, WHICH AGREEMENT INCLUDES THE DUTIES AND
23 RESPONSIBILITIES OF EACH PARTY AS PART OF THE COLLABORATIVE
24 AGREEMENT ACCORDING TO EACH PARTY'S STANDARD OF CARE AND
25 PRACTICE ACT, A PROCESS FOR CONSULTING WITH AND REFERRING TO A
26 LICENSED PHYSICIAN TO FACILITATE THE EFFECTIVE TREATMENT OF
27 CHILDREN UNDER TWO YEARS OF AGE, AND OTHER PROVISIONS AS MAY BE

1 ESTABLISHED BY THE DIRECTOR BY RULE. THE NATUROPATHIC DOCTOR
2 AND THE LICENSED PHYSICIAN SHALL KEEP THE WRITTEN COLLABORATIVE
3 AGREEMENT ON FILE AND, UPON REQUEST BY THE DIRECTOR, FOR
4 NATUROPATHIC DOCTORS, OR BY COLORADO MEDICAL BOARD, FOR
5 LICENSED PHYSICIANS, SHALL PROVIDE A COPY OF THE AGREEMENT TO THE
6 DIRECTOR OR BOARD, AS APPLICABLE.

7 (B) THE NATUROPATHIC DOCTOR SHALL PROVIDE TO THE DIRECTOR
8 THE NAME AND LICENSE NUMBER OF THE LICENSED PHYSICIAN AND SHALL
9 ENSURE THAT THE INFORMATION FILED WITH THE DIRECTOR IS CURRENT.
10 THE DIRECTOR SHALL MAKE THE INFORMATION AVAILABLE TO THE
11 COLORADO MEDICAL BOARD AND THE NATUROPATHIC MEDICINE
12 ADVISORY COMMITTEE.

13 (C) NOTHING IN THIS SUBPARAGRAPH (III) PERMITS THE
14 INDEPENDENT PRACTICE OF MEDICINE, AS DEFINED IN SECTION 12-36-106
15 (1) AND (2), BY A NATUROPATHIC DOCTOR;

16 (D) NOTHING IN THIS SUBPARAGRAPH (III): LIMITS THE ABILITY OF
17 A NATUROPATHIC DOCTOR TO MAKE AN INDEPENDENT JUDGMENT;
18 REQUIRES SUPERVISION BY A LICENSED PHYSICIAN; PRECLUDES THE USE OF
19 PROFESSIONAL JUDGMENT OR VARIATION ACCORDING TO THE NEEDS OF
20 THE CHILD UNDER TWO YEARS OF AGE; IMPOSES LIABILITY ON A LICENSED
21 PHYSICIAN, IN DEVELOPING OR SIGNING A COLLABORATIVE AGREEMENT,
22 FOR THE ACTIONS OF THE NATUROPATHIC DOCTOR IN TREATING A CHILD
23 UNDER TWO YEARS OF AGE; IMPOSES LIABILITY ON A NATUROPATHIC
24 DOCTOR, IN DEVELOPING OR SIGNING A COLLABORATIVE AGREEMENT, FOR
25 THE ACTIONS OF THE LICENSED PHYSICIAN IN CONSULTING REGARDING THE
26 TREATMENT OF A CHILD LESS THAN TWO YEARS OF AGE; OR REQUIRES THE
27 NATUROPATHIC DOCTOR AND LICENSED PHYSICIAN TO BE PRACTICING IN

1 THE SAME COMMUNITY OR IN CLOSE PROXIMITY TO EACH OTHER IN ORDER
2 TO ENTER INTO A COLLABORATIVE AGREEMENT;

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

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

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

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

11 (D) IF THE CHILD HAS A RELATIONSHIP WITH A LICENSED
12 PEDIATRIC HEALTH CARE PROVIDER, REQUESTS PERMISSION FROM THE
13 PARENT OR LEGAL GUARDIAN FOR THE NATUROPATHIC DOCTOR TO
14 ATTEMPT TO DEVELOP AND MAINTAIN A COLLABORATIVE RELATIONSHIP
15 WITH THE LICENSED PEDIATRIC HEALTH CARE PROVIDER, AS DEFINED BY
16 DIRECTOR RULES; OR IF THE CHILD DOES NOT HAVE A RELATIONSHIP WITH
17 A LICENSED PEDIATRIC HEALTH CARE PROVIDER, ON THE CHILD'S FIRST
18 VISIT, REFERS THE CHILD TO AT LEAST ONE LICENSED PEDIATRIC HEALTH
19 CARE PROVIDER, PHYSICIAN, OR ADVANCED PRACTICE NURSE WHO CARES
20 FOR PEDIATRIC PATIENTS TO PROVIDE A MEDICAL HOME FOR THE CHILD,
21 WITH ONGOING COMMUNICATION AND RELATIONSHIP BETWEEN THE
22 NATUROPATHIC DOCTOR AND THE LICENSED PEDIATRIC HEALTH CARE
23 PROVIDER, PHYSICIAN, OR ADVANCED PRACTICE NURSE; AND

24 (V) COMPLIES WITH RULES ADOPTED BY THE DIRECTOR
25 REGARDING THE TRAINING REQUIRED BY SUBPARAGRAPH (II) OF THIS
26 PARAGRAPH (e) AND REFERRAL TO AND COMMUNICATION WITH LICENSED
27 PEDIATRIC HEALTH CARE PROVIDERS, PHYSICIANS, OR ADVANCED

1 PRACTICE NURSES AS REQUIRED BY SUB-SUBPARAGRAPH (D) OF
2 SUBPARAGRAPH (IV) OF THIS PARAGRAPH (e), TO ENSURE THE SAFETY OF
3 CLIENTS WHO ARE UNDER TWO YEARS OF AGE;

4 (7) AS USED IN THIS SECTION, "LICENSED PEDIATRIC HEALTH CARE
5 PROVIDER" MEANS A LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE
6 WHO TREATS CHILDREN.

7 **SECTION 2.** In Colorado Revised Statutes, **amend 12-37.3-119**
8 as follows:

9 **12-37.3-119. Repeal of article.** (1) This article is repealed,
10 effective September 1, 2017. Prior to the repeal, the department of
11 regulatory agencies shall review registering of naturopathic doctors as
12 provided in section 24-34-104, C.R.S.

13 (2) (a) IN CONDUCTING ITS REVIEW, THE DEPARTMENT SHALL
14 GATHER AND INCLUDE IN ITS REPORT INFORMATION FROM NATUROPATHIC
15 DOCTORS REGARDING THE NUMBER OF CHILDREN UNDER TWO YEARS OF
16 AGE THAT NATUROPATHIC DOCTORS TREATED, THE CONDITIONS FOR
17 WHICH NATUROPATHIC DOCTORS TREATED CHILDREN UNDER TWO YEARS
18 OF AGE, AND THE NUMBER AND DESCRIPTION OF ANY ADVERSE EVENTS
19 THAT OCCURRED IN CONNECTION WITH TREATING CHILDREN UNDER TWO
20 YEARS OF AGE. ADDITIONALLY, THE DEPARTMENT SHALL REVIEW
21 WRITTEN COLLABORATIVE AGREEMENTS KEPT ON FILE BY NATUROPATHIC
22 DOCTORS PURSUANT TO SECTION 12-37.3-105 (2) (e) (III) AND INCLUDE A
23 SUMMARY OF THOSE AGREEMENTS IN ITS REPORT.

24 (b) AS USED IN THIS SUBSECTION (2), "ADVERSE EVENT" MEANS
25 ANY HARM TO A CHILD UNDER TWO YEARS OF AGE THAT THE TREATING
26 NATUROPATHIC DOCTOR IS AWARE OF AND THAT RESULTED OR LIKELY
27 RESULTED FROM THE NATUROPATHIC DOCTOR'S CARE OF THE CHILD.

1 REPORTING AN ADVERSE EVENT TO THE DEPARTMENT PURSUANT TO THIS
2 SECTION DOES NOT, ALONE, CONSTITUTE GROUNDS FOR DISCIPLINE
3 PURSUANT TO SECTION 12-37.3-112.

4 **SECTION 3. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.