

**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**

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**HOUSE SPONSORSHIP**

**Ginal**, Hamner, Hullinghorst

**SENATE SPONSORSHIP**

**Newell**, Hill

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**House Committees**

Health, Insurance & Environment  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REGULATION OF NATUROPATHIC DOCTORS.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Currently, naturopathic doctors are not regulated by the state and are not required to obtain a license to practice naturopathic medicine in Colorado. The bill requires naturopathic doctors to obtain a license to practice in Colorado on or after January 1, 2014. The newly created board of naturopathic medicine in the department of regulatory agencies (department) is tasked with all functions necessary to regulate naturopathic doctors, including adopting rules, establishing application

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

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

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

- ! Be at least 21 years of age;
- ! Have a bachelor's degree and a doctor of naturopathy degree from an approved naturopathic medical college;
- ! Pass a competency-based naturopathic licensing examination; and
- ! Not have had a license to practice as a naturopathic doctor or other health care license, registration, or certification refused, revoked, or suspended by another jurisdiction.

The bill prohibits a licensed naturopathic doctor from engaging in certain acts such as:

- ! Prescribing, dispensing, administering, or injecting a controlled substance or device;
- ! Performing surgical procedures;
- ! Practicing the profession of, holding oneself out as, or claiming to be another licensed health care professional;
- ! Using general or spinal anesthetics; or
- ! Administering ionizing radioactive substances for therapeutic purposes.

Naturopathic doctors are required to make certain written disclosures to their patients, obtain a written acknowledgment from the patient that he or she has received the disclosures, and maintain the patient's acknowledgment for 7 years after services are rendered to the patient. Additionally, naturopathic doctors are to recommend that patients seeking treatment for cancer consult with an oncologist.

The bill grants title protection to licensed naturopathic doctors and creates penalties for unauthorized practice as a naturopathic doctor. The bill also establishes grounds for disciplining a licensed naturopathic doctor and sets forth the methods of and procedures for disciplining a licensee.

Naturopathic doctors are required to obtain professional liability insurance and are responsible for their acts and omissions in the practice of naturopathic medicine. Certain health care providers are shielded from liability resulting from a naturopathic doctor's practice of naturopathic medicine but are liable for grossly negligent, willful, or wanton acts or omissions of a naturopathic doctor with whom they have a business or supervisory relationship.

The licensing of naturopathic doctors is subject to sunset review by the department and is set to repeal on September 1, 2019.

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



1 (b) ANY OTHER COLLEGE OR PROGRAM APPROVED BY THE  
2 DIRECTOR AND ACCREDITED BY THE COUNCIL ON NATUROPATHIC MEDICAL  
3 EDUCATION OR ITS SUCCESSOR ENTITY.

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

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

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

12 (7) "HOMEOPATHIC PREPARATIONS" MEANS MEDICINES PREPARED  
13 ACCORDING TO THE MOST CURRENT VERSION OF THE HOMEOPATHIC  
14 PHARMACOPOEIA OF THE UNITED STATES, REVISED SERVICES.

15 (8) "NATURAL HEALTH CARE PRACTITIONER", "NATURAL HEALTH  
16 CARE PROVIDER", "UNLICENSED COMPLIMENTARY OR ALTERNATIVE  
17 HEALTH CARE PRACTITIONER", "HOMEOPATH", "TRADITIONAL  
18 NATUROPATH", OR "HERBALIST" MEANS A PERSON WHO ADVISES IN THE  
19 USE OF NATURAL HEALTH CARE PRODUCTS OR WHO PROVIDES NATURAL  
20 HEALTH CARE SERVICES OR THERAPIES, INCLUDING HOMEOPATHY, DIET  
21 GUIDANCE AND INFORMATION, HERBS OR SUPPLEMENTS, PATIENT  
22 EDUCATION, WELLNESS GUIDANCE, AND OTHER NATURAL REMEDIES.

23 (9) "NATUROPATHIC DOCTOR" OR "REGISTRANT" MEANS A PERSON  
24 WHO IS REGISTERED BY THE DIRECTOR TO PRACTICE NATUROPATHIC  
25 MEDICINE PURSUANT TO THIS ARTICLE.

26 (10) "NATUROPATHIC FORMULARY" MEANS THE LIST OF  
27 NONPRESCRIPTION CLASSES OF MEDICINES DETERMINED BY THE DIRECTOR

1 THAT NATUROPATHIC DOCTORS USE IN THE PRACTICE OF NATUROPATHIC  
2 MEDICINE.

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

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

18 **12-37.3-103. Naturopathic medicine advisory committee -**  
19 **creation - membership - duties.** (1) (a) THE NATUROPATHIC MEDICINE  
20 ADVISORY COMMITTEE IS HEREBY CREATED IN THE DEPARTMENT OF  
21 REGULATORY AGENCIES AS THE ENTITY RESPONSIBLE FOR ADVISING THE  
22 DIRECTOR IN THE REGULATION OF THE PRACTICE OF NATUROPATHIC  
23 MEDICINE BY NATUROPATHIC DOCTORS AND THE IMPLEMENTATION OF THIS  
24 ARTICLE.

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

27 (A) THREE MEMBERS WHO ARE NATUROPATHIC DOCTORS;

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

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

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

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

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

19 (II) TO ENSURE STAGGERED TERMS OF OFFICE, THE INITIAL TERM  
20 OF OFFICE OF ONE OF THE NATUROPATHIC DOCTOR MEMBERS, THE  
21 PHARMACIST MEMBER, AND ONE OF THE MEMBERS REPRESENTING THE  
22 PUBLIC IS TWO YEARS. THESE MEMBERS ARE ELIGIBLE TO SERVE ONE  
23 ADDITIONAL FOUR-YEAR TERM OF OFFICE. ON AND AFTER THE EXPIRATION  
24 OF THESE MEMBERS' TERMS, THE TERM OF OFFICE OF PERSONS APPOINTED  
25 TO THESE POSITIONS ON THE ADVISORY COMMITTEE IS AS DESCRIBED IN  
26 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), COMMENCING ON JANUARY  
27 1 OF THE APPLICABLE YEAR.

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

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

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

10 **12-37.3-104. Director powers and duties.** (1) IN ADDITION TO  
11 ANY OTHER POWERS AND DUTIES GRANTED OR IMPOSED ON THE DIRECTOR  
12 UNDER THIS ARTICLE, THE DIRECTOR SHALL:

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

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

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

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

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

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

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

7 **12-37.3-105. Practice of naturopathic medicine by**  
8 **naturopathic doctors - exclusions - protected activities - rules.**

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

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

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

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

22 (2) A NATUROPATHIC DOCTOR SHALL NOT:

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

26 (b) PERFORM SURGICAL PROCEDURES, INCLUDING SURGICAL  
27 PROCEDURES USING A LASER DEVICE;

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

3 (d) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR  
4 THERAPEUTIC PURPOSES;

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

6 (f) TREAT A CHILD WHO IS TWO YEARS OF AGE OR OLDER BUT LESS  
7 THAN EIGHT YEARS OF AGE, UNLESS THE NATUROPATHIC DOCTOR:

8 (I) DEMONSTRATES SUCCESSFUL COMPLETION OF THREE HOURS  
9 PER YEAR OF EDUCATION OR PRACTICUM TRAINING SOLELY RELATED TO  
10 PEDIATRICS IN ACCORDANCE WITH CONTINUING PROFESSIONAL  
11 COMPETENCY REQUIREMENTS APPROVED BY THE DIRECTOR PURSUANT TO  
12 SECTION 12-37.3-108; AND

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

15 (A) DISCLOSES THAT THE NATUROPATHIC DOCTOR IS REGISTERED  
16 PURSUANT TO THIS ARTICLE;

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

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

21 (D) IF THE CHILD HAS A RELATIONSHIP WITH A LICENSED PEDIATRIC  
22 HEALTH CARE PROVIDER, REQUESTS PERMISSION FROM THE PARENT OR  
23 LEGAL GUARDIAN FOR THE NATUROPATHIC DOCTOR TO ATTEMPT TO  
24 DEVELOP AND MAINTAIN A COLLABORATIVE RELATIONSHIP WITH THE  
25 LICENSED PEDIATRIC HEALTH CARE PROVIDER, AS DEFINED BY DIRECTOR  
26 RULES;

27 (g) ENGAGE IN OR PERFORM THE PRACTICE OF MEDICINE, SURGERY,

1 OR ANY OTHER FORM OF HEALING EXCEPT AS AUTHORIZED BY THIS  
2 ARTICLE;

3 (h) PRACTICE OBSTETRICS; OR

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

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

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

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

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

25 (d) ANY PERSON FROM ADMINISTERING A DOMESTIC OR FAMILY  
26 REMEDY TO ONESELF OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY  
27 BASED ON RELIGIOUS OR HEALTH BELIEFS;

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

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

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

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

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

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

27 (5) THIS ARTICLE DOES NOT PROHIBIT A PERSON LICENSED OR

1 OTHERWISE AUTHORIZED TO PRACTICE AS A NATUROPATHIC DOCTOR IN  
2 ANOTHER STATE OR DISTRICT IN THE UNITED STATES FROM CONSULTING  
3 WITH A NATUROPATHIC DOCTOR IN THIS STATE, AS LONG AS THE  
4 CONSULTATION IS LIMITED TO EXAMINATION, RECOMMENDATION, OR  
5 TESTIMONY IN LITIGATION.

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

16 **12-37.3-106. Registration required - qualifications -**  
17 **examination - registration by endorsement - rules.** (1) EFFECTIVE  
18 JUNE 1, 2014, A PERSON SHALL NOT PRACTICE AS A NATUROPATHIC  
19 DOCTOR IN THIS STATE WITHOUT A REGISTRATION.

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

27 (a) IS AT LEAST TWENTY-ONE YEARS OF AGE AND OF GOOD MORAL

1 CHARACTER;

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

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

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

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

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

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

6 **12-37.3-107. Registration renewal or reinstatement - fees.** A  
7 NATUROPATHIC DOCTOR SHALL RENEW OR REINSTATE HIS OR HER  
8 REGISTRATION PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR,  
9 AND THE DIRECTOR SHALL RENEW OR REINSTATE A REGISTRATION IN  
10 ACCORDANCE WITH SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY  
11 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT  
12 PURSUANT TO SECTION 24-34-105, C.R.S., AND SHALL INCREASE RENEWAL  
13 FEES CONSISTENT WITH SECTION 24-34-109 (4), C.R.S., TO FUND THE  
14 DIVISION'S COSTS IN ADMINISTERING THIS ARTICLE. IF A PERSON FAILS TO  
15 RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE  
16 ESTABLISHED BY THE DIRECTOR, THE REGISTRATION EXPIRES. A PERSON  
17 WHOSE REGISTRATION EXPIRES IS SUBJECT TO THE PENALTIES PROVIDED  
18 IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S. THE DIRECTOR SHALL  
19 TRANSMIT FEES COLLECTED PURSUANT TO THIS SECTION OR SECTION  
20 12-37.3-106 TO THE STATE TREASURER FOR DEPOSIT IN THE DIVISION OF  
21 PROFESSIONS AND OCCUPATIONS CASH FUND PURSUANT TO SECTION  
22 24-34-105, C.R.S.

23 **12-37.3-108. Continuing professional competency - rules.**

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

26 (b) THE DIRECTOR SHALL ADOPT RULES ESTABLISHING A  
27 CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT

1 A MINIMUM, THE FOLLOWING ELEMENTS:

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

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

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

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

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

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

21 (III) AN ENTITY APPROVED BY THE DIRECTOR.

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

26 (II) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL  
27 NATUROPATHIC DOCTORS, AND NOTHING IN THIS SECTION REQUIRES A

1 PERSON WHO EMPLOYS OR CONTRACTS WITH A NATUROPATHIC DOCTOR TO  
2 COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

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

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

15 **12-37.3-110. Persons entitled to practice as naturopathic**  
16 **doctors - title protection for naturopathic doctors.** (1) A PERSON  
17 SHALL NOT HOLD HIMSELF OR HERSELF OUT AS A NATUROPATHIC DOCTOR  
18 OR USE ANY OF THE TITLES OR INITIALS REFERRED TO IN SUBSECTION (2)  
19 OF THIS SECTION UNLESS THE PERSON IS REGISTERED AS A NATUROPATHIC  
20 DOCTOR PURSUANT TO THIS ARTICLE.

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

24 (3) A NATUROPATHIC DOCTOR SHALL NOT USE:

25 (a) THE TERM "PHYSICIAN";

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

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

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

4 **12-37.3-111. Disclosures - record-keeping.** (1) A  
5 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION  
6 IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE DIRECTOR:

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

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

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

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

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

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

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

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

1           **12-37.3-112. Grounds for discipline - disciplinary actions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (q) FAILING TO TIMELY RESPOND TO A COMPLAINT FILED AGAINST  
27 THE NATUROPATHIC DOCTOR;

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

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

5 (t) FAILING TO OBTAIN AND CONTINUALLY MAINTAIN  
6 PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION  
7 12-37.3-114.

8 (2) IN ADDITION TO OR AS AN ALTERNATIVE TO THE DISCIPLINE  
9 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR MAY  
10 ASSESS AN ADMINISTRATIVE FINE OF UP TO FIVE THOUSAND DOLLARS  
11 AGAINST A NATUROPATHIC DOCTOR WHO COMMITS ANY OF THE ACTS OR  
12 OMISSIONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE DIRECTOR  
13 SHALL TRANSMIT ANY MONEYS COLLECTED PURSUANT TO THIS  
14 SUBSECTION (2) TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL  
15 FUND.

16 (3) ANY PERSON WHOSE REGISTRATION IS REVOKED OR WHO  
17 SURRENDERS HIS OR HER REGISTRATION TO AVOID DISCIPLINE IS  
18 INELIGIBLE TO APPLY FOR A REGISTRATION UNDER THIS ARTICLE FOR AT  
19 LEAST TWO YEARS AFTER THE DATE OF REVOCATION OR SURRENDER OF  
20 THE REGISTRATION.

21 (4) THE DIRECTOR SHALL CONDUCT ANY PROCEEDING TO DENY,  
22 SUSPEND, OR REVOKE A REGISTRATION OR PLACE A NATUROPATHIC  
23 DOCTOR ON PROBATION IN ACCORDANCE WITH SECTIONS 24-4-104 AND  
24 24-4-105, C.R.S. THE DIRECTOR MAY DESIGNATE AN ADMINISTRATIVE  
25 LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO  
26 CONDUCT THE PROCEEDING. THE ADMINISTRATIVE LAW JUDGE SHALL  
27 CONDUCT THE PROCEEDING IN ACCORDANCE WITH SECTIONS 24-4-104 AND

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

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

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

1 NOT LIABLE FOR FURNISHING OR USING THE COPIES IN ACCORDANCE WITH  
2 THIS SECTION.

3 (b) IF A WITNESS OR NATUROPATHIC DOCTOR FAILS TO COMPLY  
4 WITH A SUBPOENA OR PROCESS, THE DIRECTOR MAY APPLY TO THE  
5 DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR  
6 NATUROPATHIC DOCTOR RESIDES OR CONDUCTS BUSINESS FOR AN ORDER  
7 DIRECTING THE PERSON OR NATUROPATHIC DOCTOR TO APPEAR BEFORE  
8 THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS,  
9 DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE  
10 EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION.

11 THE DIRECTOR SHALL PROVIDE NOTICE TO THE SUBPOENAED PERSON OR  
12 NATUROPATHIC DOCTOR OF THE DIRECTOR'S APPLICATION TO THE DISTRICT  
13 COURT, AND THE COURT SHALL NOT ISSUE THE ORDER ABSENT THE NOTICE.

14 IF THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR FAILS TO OBEY  
15 THE COURT'S ORDER, THE COURT MAY HOLD THE PERSON IN CONTEMPT OF  
16 COURT.

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

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

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

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

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

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

26 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
27 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10), THE

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

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

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

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

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

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

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

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

1 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL  
2 REVIEW.

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

7 (a) AN UNREGISTERED ACT OR PRACTICE;

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

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

11 OR

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

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

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

26 **12-37.3-113. Unauthorized practice - penalties.** A PERSON WHO  
27 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A NATUROPATHIC

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

4 **12-37.3-114. Professional liability insurance required -**  
5 **vicarious liability - rules.** (1) IT IS UNLAWFUL FOR A PERSON TO  
6 PRACTICE AS A NATUROPATHIC DOCTOR IN THIS STATE UNLESS THE PERSON  
7 IS COVERED BY PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT  
8 LESS THAN ONE MILLION DOLLARS.

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

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

14 **12-37.3-115. Protection of medical records - registrant's**  
15 **obligations - verification of compliance - noncompliance grounds for**  
16 **discipline - rules.** (1) EACH NATUROPATHIC DOCTOR SHALL DEVELOP A  
17 WRITTEN PLAN TO ENSURE THE SECURITY OF PATIENT MEDICAL RECORDS.  
18 THE PLAN MUST ADDRESS AT LEAST THE FOLLOWING:

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

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

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

27 (2) UPON INITIAL REGISTRATION UNDER THIS ARTICLE, THE

1 APPLICANT OR REGISTRANT SHALL ATTEST TO THE DIRECTOR THAT HE OR  
2 SHE HAS DEVELOPED A PLAN IN COMPLIANCE WITH THIS SECTION.

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

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

9 **12-37.3-116. Confidential agreement to limit practice -**  
10 **violation - grounds for discipline.** (1) IF A NATUROPATHIC DOCTOR HAS  
11 A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS HIM OR  
12 HER UNABLE TO PRACTICE NATUROPATHIC MEDICINE WITH REASONABLE  
13 SKILL AND SAFETY TO PATIENTS, THE NATUROPATHIC DOCTOR SHALL  
14 NOTIFY THE DIRECTOR OF THE ILLNESS OR CONDITION IN A MANNER AND  
15 WITHIN A PERIOD DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY  
16 REQUIRE THE NATUROPATHIC DOCTOR TO SUBMIT TO AN EXAMINATION TO  
17 EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON  
18 THE NATUROPATHIC DOCTOR'S ABILITY TO PRACTICE NATUROPATHIC  
19 MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

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

27 (b) AS PART OF THE AGREEMENT, THE NATUROPATHIC DOCTOR IS

1 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED  
2 APPROPRIATE BY THE DIRECTOR.

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

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

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

18 **12-37.3-117. Mental and physical examination of registrants.**

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

1 FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR  
2 EXAMINATION AND DETERMINATION IN A TIMELY MANNER.

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

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

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

26 **12-37.3-118. Inactive registration - rules.** A NATUROPATHIC  
27 DOCTOR MAY REQUEST THAT THE DIRECTOR INACTIVATE OR ACTIVATE THE

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

13 **12-37.3-119. Repeal of article.** THIS ARTICLE IS REPEALED,  
14 EFFECTIVE SEPTEMBER 1, 2017. PRIOR TO THE REPEAL, THE DEPARTMENT  
15 OF REGULATORY AGENCIES SHALL REVIEW REGISTERING OF  
16 NATUROPATHIC DOCTORS AS PROVIDED IN SECTION 24-34-104, C.R.S.

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

19 **24-34-104. General assembly review of regulatory agencies**  
20 **and functions for termination, continuation, or reestablishment.**

21 (48.5) The following agencies, functions, or both, terminate on  
22 September 1, 2017:

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

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

27 **24-34-110. Medical transparency act of 2010 - disclosure of**

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

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

8 **SECTION 4. Act subject to petition - effective date.** This act  
9 takes effect at 12:01 a.m. on the day following the expiration of the  
10 ninety-day period after final adjournment of the general assembly (August  
11 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
12 referendum petition is filed pursuant to section 1 (3) of article V of the  
13 state constitution against this act or an item, section, or part of this act  
14 within such period, then the act, item, section, or part will not take effect  
15 unless approved by the people at the general election to be held in  
16 November 2014 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.