

**HOUSE JOURNAL**  
**SIXTY-NINTH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**First Regular Session**

Forty-first Legislative Day

Monday, February 18, 2013

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.  
 2

3 The Speaker called the House to order at 10:00 a.m.  
 4

5 Pledge of Allegiance led by Farid Jalil, Liberty University.  
 6

7 The roll was called with the following result:  
 8

9 Present--65.  
 10

11 The Speaker declared a quorum present.  
 12  
 13

14 On motion of Representative Garcia, the reading of the journal of  
 15 February 15, 2013, was declared dispensed with and approved as  
 16 corrected by the Chief Clerk.  
 17  
 18

**THIRD READING OF BILL(S)--FINAL PASSAGE**

19  
 20  
 21 The following bill(s) were considered on Third Reading. The title(s)  
 22 were publicly read. Reading of the bill at length was dispensed with by  
 23 unanimous consent.  
 24

25 **HB13-1224** by Representative(s) Fields; also Senator(s) Hodge--  
 26 Concerning prohibiting large-capacity ammunition  
 27 magazines.  
 28

29 The question being "Shall the bill pass?".

30 A roll call vote was taken. As shown by the following recorded vote, a  
 31 majority of those elected to the House voted in the affirmative and the bill  
 32 was declared **passed**.  
 33

	YES	34	NO	31	EXCUSED	0	ABSENT	0
35	Buck	N	Ginal	Y	McLachlan	Y	Saine	N
36	Buckner	Y	Hamner	Y	McNulty	N	Salazar	Y
37	Conti	N	Holbert	N	Melton	Y	Schafer	Y
38	Coram	N	Hullinghorst	Y	Mitsch Bush	Y	Scott	N
39	Court	Y	Humphrey	N	Moreno	Y	Singer	Y
40	DelGrosso	N	Joshi	N	Murray	N	Sonnenberg	N
41	Dore	N	Kagan	Y	Navarro	N	Stephens	N
42	Duran	Y	Kraft-Tharp	Y	Nordberg	N	Swalm	N
43	Everett	N	Labuda	Y	Pabon	Y	Szabo	N
44	Exum	Y	Landgraf	N	Peniston	Y	Tyler	Y

1	Fields	Y	Lawrence	N	Pettersen	Y	Vigil	N
2	Fischer	Y	Lebsock	N	Primavera	Y	Waller	N
3	Foote	Y	Lee	Y	Priola	N	Williams	Y
4	Garcia	N	Levy	Y	Rankin	N	Wilson	N
5	Gardner	N	May	Y	Rosenthal	Y	Wright	N
6	Gerou	N	McCann	Y	Ryden	Y	Young	Y
7							Speaker	Y

8 Co-sponsors added: Representative(s) Court, Fischer, Hulinghorst, Labuda,  
9 Levy, Melton, Pabon, Rosenthal, Schafer, Williams, Young.

10

11 **HB13-1229** by Representative(s) Fields and McCann; also Senator(s)  
12 Carroll--Concerning criminal background checks  
13 performed pursuant to the transfer of a firearm, and, in  
14 connection therewith, making an appropriation.

15

16 The question being "Shall the bill pass?".

17 A roll call vote was taken. As shown by the following recorded vote, a  
18 majority of those elected to the House voted in the affirmative and the bill  
19 was declared **passed**.

20

21

	YES	36	NO	29	EXCUSED	0	ABSENT	0
22	Buck	N	Ginal	Y	McLachlan	Y	Saine	N
23	Buckner	Y	Hamner	Y	McNulty	N	Salazar	Y
24	Conti	N	Holbert	N	Melton	Y	Schafer	Y
25	Coram	N	Hullinghorst	Y	Mitsch Bush	Y	Scott	N
26	Court	Y	Humphrey	N	Moreno	Y	Singer	Y
27	DelGrosso	N	Joshi	N	Murray	N	Sonnenberg	N
28	Dore	N	Kagan	Y	Navarro	N	Stephens	N
29	Duran	Y	Kraft-Tharp	Y	Nordberg	N	Swalm	N
30	Everett	N	Labuda	Y	Pabon	Y	Szabo	N
31	Exum	Y	Landgraf	N	Peniston	Y	Tyler	Y
32	Fields	Y	Lawrence	N	Pettersen	Y	Vigil	N
33	Fischer	Y	Lebsock	Y	Primavera	Y	Waller	N
34	Foote	Y	Lee	Y	Priola	N	Williams	Y
35	Garcia	Y	Levy	Y	Rankin	N	Wilson	N
36	Gardner	N	May	Y	Rosenthal	Y	Wright	N
37	Gerou	N	McCann	Y	Ryden	Y	Young	Y
38							Speaker	Y

39 Co-sponsors added: Representative(s) Buckner, Court, Duran, Exum, Fischer,  
40 Foote, Ginal, Hamner, Hulinghorst, Kagan, Labuda, Lee, Levy, McLachlan,  
41 Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Rosenthal, Schafer, Williams,  
42 Young, Speaker.

43

44 **HB13-1228** by Representative(s) Court, Duran, Ferrandino, Fields,  
45 Fischer, Foote, Hulinghorst, Levy, McCann, Melton,  
46 Moreno, Pabon, Peniston, Rosenthal, Ryden, Salazar,  
47 Schafer, Williams; also Senator(s) Heath--Concerning  
48 requiring the Colorado bureau of investigation to recoup  
49 the cost of performing an instant criminal background  
50 check prior to the transfer of a firearm, and, in connection  
51 therewith, making and reducing an appropriation.

52

53 The question being "Shall the bill pass?".

54 A roll call vote was taken. As shown by the following recorded vote, a  
55 majority of those elected to the House voted in the affirmative and the bill  
56 was declared **passed**.

	YES	33	NO	32	EXCUSED	0	ABSENT	0
1								
2	Buck	N	Ginal	Y	McLachlan	Y	Saine	N
3	Buckner	Y	Hamner	Y	McNulty	N	Salazar	Y
4	Conti	N	Holbert	N	Melton	Y	Schafer	Y
5	Coram	N	Hullinghorst	Y	Mitsch Bush	N	Scott	N
6	Court	Y	Humphrey	N	Moreno	Y	Singer	Y
7	DelGrosso	N	Joshi	N	Murray	N	Sonnenberg	N
8	Dore	N	Kagan	Y	Navarro	N	Stephens	N
9	Duran	Y	Kraft-Tharp	Y	Nordberg	N	Swalm	N
10	Everett	N	Labuda	Y	Pabon	Y	Szabo	N
11	Exum	Y	Landgraf	N	Peniston	Y	Tyler	Y
12	Fields	Y	Lawrence	N	Pettersen	Y	Vigil	N
13	Fischer	Y	Lebsock	Y	Primavera	Y	Waller	N
14	Foote	Y	Lee	Y	Priola	N	Williams	Y
15	Garcia	N	Levy	Y	Rankin	N	Wilson	N
16	Gardner	N	May	Y	Rosenthal	Y	Wright	N
17	Gerou	N	McCann	Y	Ryden	Y	Young	N
18							Speaker	Y

19 Co-sponsors added: Representative(s) Buckner, Kagan, Labuda.

20  
21  
22 **HB13-1226** by Representative(s) Levy, Fields, Fischer, Hullinghorst,  
23 McCann, Schafer; also Senator(s) Heath--Concerning  
24 eliminating the authority of a concealed handgun permit  
25 holder to possess a concealed handgun on the campus of  
26 an institution of higher education.

27  
28  
29 The question being "Shall the bill pass?".

30 A roll call vote was taken. As shown by the following recorded vote, a  
31 majority of those elected to the House voted in the affirmative and the bill  
32 was declared **passed**.

	YES	34	NO	31	EXCUSED	0	ABSENT	0
36	Buck	N	Ginal	Y	McLachlan	Y	Saine	N
37	Buckner	Y	Hamner	Y	McNulty	N	Salazar	Y
38	Conti	N	Holbert	N	Melton	Y	Schafer	Y
39	Coram	N	Hullinghorst	Y	Mitsch Bush	Y	Scott	N
40	Court	Y	Humphrey	N	Moreno	Y	Singer	Y
41	DelGrosso	N	Joshi	N	Murray	N	Sonnenberg	N
42	Dore	N	Kagan	Y	Navarro	N	Stephens	N
43	Duran	Y	Kraft-Tharp	Y	Nordberg	N	Swalm	N
44	Everett	N	Labuda	Y	Pabon	Y	Szabo	N
45	Exum	Y	Landgraf	N	Peniston	Y	Tyler	Y
46	Fields	Y	Lawrence	N	Pettersen	Y	Vigil	N
47	Fischer	Y	Lebsock	N	Primavera	Y	Waller	N
48	Foote	Y	Lee	Y	Priola	N	Williams	Y
49	Garcia	N	Levy	Y	Rankin	N	Wilson	N
50	Gardner	N	May	Y	Rosenthal	Y	Wright	N
51	Gerou	N	McCann	Y	Ryden	Y	Young	Y
52							Speaker	Y

53 Co-sponsors added: Representative(s) Buckner, Court, Ginal, Hamner,  
54 Labuda, McLachlan, Melton, Mitsch Bush, Pabon, Rosenthal, Williams,  
55 Young.

56

1 **HB13-1126** by Representative(s) Wright; also Senator(s) Aguilar--  
 2 Concerning statutorily established time intervals.  
 3

4 The question being "Shall the bill pass?".  
 5 A roll call vote was taken. As shown by the following recorded vote, a  
 6 majority of those elected to the House voted in the affirmative and the bill  
 7 was declared **passed**.  
 8

	YES	63	NO	2	EXCUSED	0	ABSENT	0
10 Buck	N		Ginal	Y	McLachlan	Y	Saine	Y
11 Buckner	Y		Hamner	Y	McNulty	Y	Salazar	Y
12 Conti	Y		Holbert	Y	Melton	Y	Schafer	Y
13 Coram	N		Hullinghorst	Y	Mitsch Bush	Y	Scott	Y
14 Court	Y		Humphrey	Y	Moreno	Y	Singer	Y
15 DelGrosso	Y		Joshi	Y	Murray	Y	Sonnenberg	Y
16 Dore	Y		Kagan	Y	Navarro	Y	Stephens	Y
17 Duran	Y		Kraft-Tharp	Y	Nordberg	Y	Swalm	Y
18 Everett	Y		Labuda	Y	Pabon	Y	Szabo	Y
19 Exum	Y		Landgraf	Y	Peniston	Y	Tyler	Y
20 Fields	Y		Lawrence	Y	Pettersen	Y	Vigil	Y
21 Fischer	Y		Lebsock	Y	Primavera	Y	Waller	Y
22 Foote	Y		Lee	Y	Priola	Y	Williams	Y
23 Garcia	Y		Levy	Y	Rankin	Y	Wilson	Y
24 Gardner	Y		May	Y	Rosenthal	Y	Wright	Y
25 Gerou	Y		McCann	Y	Ryden	Y	Young	Y
26							Speaker	Y

27 Co-sponsors added: Representative(s) Gardner, Kagan.  
 28  
 29  
 30

31 **HB13-1157** by Representative(s) McNulty, Priola, Gardner, Levy--  
 32 Concerning adoption of the 2012 "Uniform Commercial  
 33 Code" article 4.5 amendments.  
 34

35 Laid over until February 19, retaining place on Calendar.  
 36  
 37  
 38

39 **HB13-1203** by Representative(s) Rankin, Dore, Joshi, Sonnenberg;  
 40 also Senator(s) Baumgardner--Concerning the elimination  
 41 of the requirement that a political subdivision provide  
 42 certain reports on an annual basis.  
 43

44 The question being "Shall the bill pass?".  
 45 A roll call vote was taken. As shown by the following recorded vote, a  
 46 majority of those elected to the House voted in the affirmative and the bill  
 47 was declared **passed**.  
 48

	YES	65	NO	0	EXCUSED	0	ABSENT	0
50 Buck	Y		Ginal	Y	McLachlan	Y	Saine	Y
51 Buckner	Y		Hamner	Y	McNulty	Y	Salazar	Y
52 Conti	Y		Holbert	Y	Melton	Y	Schafer	Y
53 Coram	Y		Hullinghorst	Y	Mitsch Bush	Y	Scott	Y
54 Court	Y		Humphrey	Y	Moreno	Y	Singer	Y
55 DelGrosso	Y		Joshi	Y	Murray	Y	Sonnenberg	Y
56 Dore	Y		Kagan	Y	Navarro	Y	Stephens	Y

1	Duran	Y	Kraft-Tharp	Y	Nordberg	Y	Swalm	Y
2	Everett	Y	Labuda	Y	Pabon	Y	Szabo	Y
3	Exum	Y	Landgraf	Y	Peniston	Y	Tyler	Y
4	Fields	Y	Lawrence	Y	Pettersen	Y	Vigil	Y
5	Fischer	Y	Lebsock	Y	Primavera	Y	Waller	Y
6	Foote	Y	Lee	Y	Priola	Y	Williams	Y
7	Garcia	Y	Levy	Y	Rankin	Y	Wilson	Y
8	Gardner	Y	May	Y	Rosenthal	Y	Wright	Y
9	Gerou	Y	McCann	Y	Ryden	Y	Young	Y
10							Speaker	Y

11 Co-sponsors added: Representative(s) Labuda.

12

13

14

15

16

House in recess. House reconvened.

17

18

19

20

## REPORT(S) OF COMMITTEE(S) OF REFERENCE

21

22

23

### APPROPRIATIONS

24

After consideration on the merits, the Committee recommends the following:

25

26

27

28

**HB13-1074** be referred to the Committee of the Whole with favorable recommendation.

29

30

31

32

**HB13-1117** be referred to the Committee of the Whole with favorable recommendation.

33

34

35

36

**HB13-1145** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

37

38

39

40

41

Amend the Finance Committee report, dated January 30, 2013, page 1, line 8, strike ""No" and substitute ""exemption allowed by section 39-3-203 (1.5). No".

42

43

44

45

46

**SB13-114** be referred to the Committee of the Whole with favorable recommendation

47

48

49

50

**SB13-115** be referred to the Committee of the Whole with favorable recommendation.

51

52

53

54

**SB13-133** be referred to the Committee of the Whole with favorable recommendation.

55

56

1 **BUSINESS, LABOR, ECONOMIC, & WORKFORCE**  
 2 **DEVELOPMENT COMMITTEE**

3 After consideration on the merits, the Committee recommends the  
 4 following:

5  
 6 **HB13-1193** be referred favorably to the Committee on Appropriations.  
 7  
 8  
 9

10  
 11 **FINANCE**

12 After consideration on the merits, the Committee recommends the  
 13 following:

14  
 15 **HB13-1143** be amended as follows, and as so amended, be referred to  
 16 the Committee on Appropriations with favorable  
 17 recommendation:  
 18

19 Amend printed bill, strike everything below the enacting clause and  
 20 substitute:

21  
 22 "SECTION 1. In Colorado Revised Statutes, 39-22-109, **add**  
 23 (2.5) as follows:

24 **39-22-109. Income of a nonresident individual for purposes of**  
 25 **Colorado income tax.** (2.5) (a) COMPENSATION THAT, BUT FOR THE  
 26 EXCEPTION FROM THE WITHHOLDING REQUIREMENT SET FORTH IN SECTION  
 27 39-22-604.1, WOULD BE SUBJECT TO WITHHOLDING UNDER SECTION  
 28 39-22-604 AND THAT IS RECEIVED BY A NONRESIDENT INDIVIDUAL FOR  
 29 EMPLOYMENT DUTIES PERFORMED IN THIS STATE IS NOT INCOME DERIVED  
 30 FROM SOURCES WITHIN COLORADO IF THE NONRESIDENT INDIVIDUAL IS  
 31 PRESENT IN THIS STATE TO PERFORM EMPLOYMENT DUTIES FOR NOT MORE  
 32 THAN THIRTY DAYS DURING THE TAX YEAR IN WHICH THE COMPENSATION  
 33 IS RECEIVED, WHERE PRESENCE IN THIS STATE FOR ANY PART OF A DAY  
 34 CONSTITUTES PRESENCE FOR THAT DAY UNLESS SUCH PRESENCE IS PURELY  
 35 FOR PURPOSES OF TRANSIT THROUGH THE STATE.

36 (b) THIS SUBSECTION (2.5) DOES NOT APPLY TO COMPENSATION  
 37 RECEIVED BY:

38 (I) AN INDIVIDUAL WHO IS A PROFESSIONAL ATHLETE OR A  
 39 MEMBER OF A PROFESSIONAL ATHLETIC TEAM IF THE COMPENSATION IS  
 40 PAID FOR SERVICES RENDERED IN HIS OR HER CAPACITY AS A  
 41 PROFESSIONAL ATHLETE;

42 (II) A PROFESSIONAL ENTERTAINER WHO PERFORMS SERVICES IN  
 43 THE PROFESSIONAL PERFORMING ARTS IF THE COMPENSATION IS PAID FOR  
 44 SERVICES RENDERED IN HIS OR HER CAPACITY AS A PROFESSIONAL  
 45 ENTERTAINER; OR

46 (III) AN INDIVIDUAL OF PROMINENCE WHO PERFORMS SERVICES  
 47 FOR COMPENSATION ON A PER-EVENT BASIS IF THE COMPENSATION IS PAID  
 48 FOR SERVICES PROVIDED AT A DISCRETE EVENT IN THE NATURE OF A  
 49 SPEECH, PUBLIC APPEARANCE, OR SIMILAR EVENT.

50 (c) THIS SUBSECTION (2.5) CREATES AN EXCLUSION FROM  
 51 COLORADO NONRESIDENT FEDERAL ADJUSTED GROSS INCOME FOR  
 52 NONRESIDENT COMPENSATION UNDER CERTAIN DE MINIMUS  
 53 CIRCUMSTANCES AND DOES NOT AFFECT THIS STATE'S JURISDICTION TO  
 54 IMPOSE INCOME TAX OR ANY OTHER TAX ON ANY TAXPAYER.

55 **SECTION 2.** In Colorado Revised Statutes, 39-22-601, **amend**  
 56 (1) (a) as follows:

1           **39-22-601. Returns.** (1) (a) (I) Whenever a resident individual  
2 or a nonresident individual with income from Colorado sources is  
3 required to file a federal income tax return under the provisions of section  
4 6012 of the internal revenue code or whenever a resident individual or a  
5 nonresident individual has incurred any tax liability under any provision  
6 of this article, the individual shall make a return that shall contain a  
7 written declaration that it is made under the penalty of perjury in the  
8 second degree. The return shall set forth, in such detail as the executive  
9 director shall prescribe by regulations, the said individual's federal taxable  
10 income, the deductions, modifications, exemptions, and credits required  
11 or allowed under this article, and any other information necessary to carry  
12 out the purposes of this article. For the purpose of this section, the  
13 residence of the individual taxpayer shall be the address supplied by the  
14 taxpayer to the department of revenue on the return.

15           (II) (A) FOR PURPOSES OF THIS PARAGRAPH (a), A NONRESIDENT  
16 INDIVIDUAL WHOSE ONLY SOURCE OF INCOME FROM THIS STATE IS  
17 COMPENSATION THAT IS EXCLUDED FROM COLORADO NONRESIDENT  
18 FEDERAL ADJUSTED GROSS INCOME UNDER SECTION 39-22-109 (2.5) HAS  
19 NO TAX LIABILITY UNDER THIS ARTICLE AND NEED NOT FILE A RETURN.

20           (B) THIS SUBPARAGRAPH (II) APPLIES ONLY TO THE  
21 DETERMINATION OF AN INDIVIDUAL INCOME TAXPAYER'S FILING  
22 REQUIREMENT AND DOES NOT AFFECT THE IMPOSITION OF, OR THIS STATE'S  
23 JURISDICTION TO IMPOSE, INCOME TAX OR ANY OTHER TAX ON ANY  
24 TAXPAYER.

25           **SECTION 3.** In Colorado Revised Statutes, **add** 39-22-604.1 as  
26 follows:

27           **39-22-604.1. Withholding tax - nonresident income subtracted**  
28 **from federal taxable income - exception to requirement to withhold.**

29 (1) (a) NO AMOUNT IS REQUIRED TO BE DEDUCTED OR WITHHELD FROM  
30 COMPENSATION PAID TO A NONRESIDENT INDIVIDUAL FOR EMPLOYMENT  
31 DUTIES PERFORMED IN THIS STATE IF THE COMPENSATION IS EXCLUDED  
32 FROM COLORADO NONRESIDENT FEDERAL ADJUSTED GROSS INCOME  
33 UNDER SECTION 39-22-109 (2.5) OR IF THE COMPENSATION WOULD BE  
34 EXCLUDED FROM COLORADO NONRESIDENT FEDERAL ADJUSTED GROSS  
35 INCOME PURSUANT TO SAID SECTION BUT FOR THE FACT THAT THE  
36 NONRESIDENT INDIVIDUAL HAS OTHER INCOME RECEIVED FOR  
37 EMPLOYMENT DUTIES PERFORMED IN THIS STATE. THE NUMBER OF DAYS  
38 THAT A NONRESIDENT EMPLOYEE IS PRESENT IN THIS STATE FOR PURPOSES  
39 OF SECTION 39-22-109 (2.5) (a) (II) INCLUDES ALL DAYS THAT THE  
40 NONRESIDENT EMPLOYEE IS PRESENT AND PERFORMING MORE  
41 EMPLOYMENT DUTIES IN THE STATE THAN IN ANY OTHER STATE ON BEHALF  
42 OF ANY EMPLOYER.

43           (2) AN EMPLOYER THAT HAS ERRONEOUSLY APPLIED THE  
44 EXCEPTION SET FORTH IN SUBSECTION (1) OF THIS SECTION SOLELY AS A  
45 RESULT OF MISCALCULATING THE NUMBER OF DAYS THAT A NONRESIDENT  
46 EMPLOYEE IS PRESENT IN THIS STATE TO PERFORM EMPLOYMENT DUTIES  
47 IS NOT SUBJECT TO ANY PENALTY FOR FAILURE TO WITHHOLD INCOME  
48 TAXES THAT COULD OTHERWISE BE IMPOSED UNDER ANY PROVISION OF  
49 THIS ARTICLE OR ARTICLE 21 OF THIS TITLE IF THE EMPLOYER RELIED ON  
50 THE EMPLOYEE'S ANNUAL DETERMINATION OF HIS OR HER TIME SPENT IN  
51 THE STATE PERFORMING EMPLOYMENT DUTIES AND DID NOT HAVE ACTUAL  
52 KNOWLEDGE OF FRAUD BY THE EMPLOYEE IN MAKING THE DETERMINATION  
53 OR COLLUDE WITH THE EMPLOYEE TO EVADE TAX; EXCEPT THAT, IF THE  
54 EMPLOYER, AT ITS SOLE DISCRETION, MAINTAINS A TIME AND ATTENDANCE  
55 SYSTEM THAT TRACKS WHERE THE EMPLOYEE PERFORMS DUTIES ON A  
56 DAILY BASIS, THE EMPLOYER MUST RELY ON THAT SYSTEM RATHER THAN

1 ON THE EMPLOYEE'S DETERMINATION. FOR PURPOSES OF THIS SUBSECTION  
2 (2), "TIME AND ATTENDANCE SYSTEM" MEANS A SYSTEM THAT:

3 (a) REQUIRES AN EMPLOYEE TO CONTEMPORANEOUSLY RECORD  
4 HIS OR HER LOCATION FOR EVERY DAY WORKED OUTSIDE OF THE STATE IN  
5 WHICH HE OR SHE PRIMARILY PERFORMS HIS OR HER EMPLOYMENT DUTIES;  
6 AND

7 (b) ALLOWS AN EMPLOYER TO ALLOCATE AN EMPLOYEE'S WAGES  
8 FOR INCOME TAX PURPOSES AMONG ALL STATES IN WHICH THE EMPLOYEE  
9 PERFORMS EMPLOYMENT DUTIES FOR THE EMPLOYER.

10 (3) THIS SECTION ESTABLISHES AN EXCEPTION TO WITHHOLDING  
11 AND DEDUCTION REQUIREMENTS AND DOES NOT AFFECT THE IMPOSITION  
12 OF, OR THIS STATE'S JURISDICTION TO IMPOSE, INCOME TAX OR ANY OTHER  
13 TAX ON ANY TAXPAYER.

14 **SECTION 4. Act subject to petition - effective date -**  
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
16 the expiration of the ninety-day period after final adjournment of the  
17 general assembly (August 7, 2013, if adjournment sine die is on May 8,  
18 2013); except that, if a referendum petition is filed pursuant to section 1  
19 (3) of article V of the state constitution against this act or an item, section,  
20 or part of this act within such period, then the act, item, section, or part  
21 will not take effect unless approved by the people at the general election  
22 to be held in November 2014 and, in such case, will take effect on the  
23 date of the official declaration of the vote thereon by the governor.

24 (2) This act applies to income received by a nonresident of this  
25 state for employment duties performed in this state during income tax  
26 years that commence on or after January 1, 2014."  
27

28 Page 1, strike lines 101 and 102 and substitute:  
29

30 "**CONCERNING TAXATION OF THE INCOME OF INDIVIDUALS WHO ARE**  
31 **NOT COLORADO RESIDENTS BUT WHO RECEIVE COMPENSATION FOR**  
32 **EMPLOYMENT DUTIES PERFORMED IN COLORADO,"**.  
33

34 Page 1, line 106, strike "NONRESIDENT" and substitute "SUCH".  
35  
36  
37  
38

### 39 HEALTH, INSURANCE & ENVIRONMENT

40 After consideration on the merits, the Committee recommends the  
41 following:  
42

43 **HB13-1111** be amended as follows, and as so amended, be referred to  
44 the Committee on Finance with favorable  
45 recommendation:  
46

47 Amend printed bill, strike everything below the enacting clause and  
48 substitute:  
49

50 "**SECTION 1.** In Colorado Revised Statutes, **add** article 37.3 to  
51 title 12 as follows:  
52

#### 53 **ARTICLE 37.3**

#### 54 **Naturopathic Doctors**

55 **12-37.3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
56 MAY BE CITED AS THE "NATUROPATHIC DOCTOR ACT".

- 1           **12-37.3-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
2 CONTEXT OTHERWISE REQUIRES:
- 3           (1) "ADVISORY COMMITTEE" MEANS THE NATUROPATHIC MEDICINE  
4 ADVISORY COMMITTEE CREATED IN SECTION 12-37.3-103.
- 5           (2) "APPROVED CLINICAL TRAINING" MEANS CLINICAL TRAINING  
6 IN NATUROPATHIC MEDICINE IN AN INPATIENT OR OUTPATIENT SETTING  
7 THAT HAS BEEN APPROVED BY THE DIRECTOR. "APPROVED CLINICAL  
8 TRAINING" MAY INCLUDE COMPONENTS OF ALLOPATHIC MEDICINE IN  
9 ADDITION TO NATUROPATHIC MEDICINE.
- 10          (3) "APPROVED NATUROPATHIC MEDICAL COLLEGE" MEANS:  
11          (a) A NATUROPATHIC MEDICAL EDUCATION PROGRAM IN THE  
12 UNITED STATES OR CANADA THAT GRANTS THE DEGREE OF DOCTOR OF  
13 NATUROPATHIC MEDICINE OR DOCTOR OF NATUROPATHY AND THAT:  
14           (I) IS APPROVED BY THE DIRECTOR;  
15           (II) OFFERS GRADUATE-LEVEL, FULL-TIME DIDACTIC AND  
16 SUPERVISED CLINICAL TRAINING; AND  
17           (III) IS ACCREDITED OR HAS ACHIEVED CANDIDACY STATUS FOR  
18 ACCREDITATION BY THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION  
19 OR AN EQUIVALENT ACCREDITING BODY FOR NATUROPATHIC MEDICAL  
20 PROGRAMS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF  
21 EDUCATION; OR  
22          (b) ANY OTHER COLLEGE OR PROGRAM APPROVED BY THE  
23 DIRECTOR AND ACCREDITED BY THE COUNCIL ON NATUROPATHIC MEDICAL  
24 EDUCATION OR ITS SUCCESSOR ENTITY.
- 25          (4) "CONTINUING PROFESSIONAL COMPETENCY" MEANS THE  
26 ONGOING ABILITY OF A NATUROPATHIC DOCTOR TO LEARN, INTEGRATE,  
27 AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT TO PRACTICE AS A  
28 NATUROPATHIC DOCTOR ACCORDING TO GENERALLY ACCEPTED  
29 STANDARDS AND PROFESSIONAL ETHICAL STANDARDS.
- 30          (5) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.
- 31          (6) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND  
32 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.
- 33          (7) "HOMEOPATHIC PREPARATIONS" MEANS MEDICINES PREPARED  
34 ACCORDING TO THE MOST CURRENT VERSION OF THE HOMEOPATHIC  
35 PHARMACOPOEIA OF THE UNITED STATES, REVISED SERVICES.
- 36          (8) "NATURAL HEALTH CARE PRACTITIONER", "NATURAL HEALTH  
37 CARE PROVIDER", "UNLICENSED COMPLIMENTARY OR ALTERNATIVE  
38 HEALTH CARE PRACTITIONER", "HOMEOPATH", "TRADITIONAL  
39 NATUROPATH", OR "HERBALIST" MEANS A PERSON WHO ADVISES IN THE  
40 USE OF NATURAL HEALTH CARE PRODUCTS OR WHO PROVIDES NATURAL  
41 HEALTH CARE SERVICES OR THERAPIES, INCLUDING HOMEOPATHY, DIET  
42 GUIDANCE AND INFORMATION, HERBS OR SUPPLEMENTS, PATIENT  
43 EDUCATION, WELLNESS GUIDANCE, AND OTHER NATURAL REMEDIES.
- 44          (9) "NATUROPATHIC DOCTOR" OR "REGISTRANT" MEANS A PERSON  
45 WHO IS REGISTERED BY THE DIRECTOR TO PRACTICE NATUROPATHIC  
46 MEDICINE PURSUANT TO THIS ARTICLE.
- 47          (10) "NATUROPATHIC FORMULARY" MEANS THE LIST OF  
48 NONPRESCRIPTION CLASSES OF MEDICINES DETERMINED BY THE DIRECTOR  
49 THAT NATUROPATHIC DOCTORS USE IN THE PRACTICE OF NATUROPATHIC  
50 MEDICINE.
- 51          (11) (a) "NATUROPATHIC MEDICINE", AS PERFORMED BY A  
52 NATUROPATHIC DOCTOR, MEANS A SYSTEM OF HEALTH CARE FOR THE  
53 PREVENTION, DIAGNOSIS, EVALUATION, AND TREATMENT OF INJURIES,  
54 DISEASES AND CONDITIONS OF THE HUMAN BODY THROUGH THE USE OF  
55 EDUCATION, NUTRITION, NATUROPATHIC PREPARATIONS, NATURAL  
56 MEDICINES AND OTHER THERAPIES, AND OTHER MODALITIES THAT ARE

1 DESIGNED TO SUPPORT OR SUPPLEMENT THE HUMAN BODY'S OWN NATURAL  
2 SELF-HEALING PROCESSES.

3 (b) "NATUROPATHIC MEDICINE" INCLUDES NATUROPATHIC  
4 PHYSICAL MEDICINE, WHICH CONSISTS OF NATUROPATHIC MANUAL  
5 THERAPY, THE THERAPEUTIC USE OF THE PHYSICAL AGENTS OF AIR,  
6 WATER, HEAT, COLD, SOUND, LIGHT, TOUCH, AND ELECTROMAGNETIC  
7 NONIONIZING RADIATION, AND THE PHYSICAL MODALITIES OF  
8 ELECTROTHERAPY, DIATHERMY, ULTRAVIOLET LIGHT, ULTRASOUND,  
9 HYDROTHERAPY, AND EXERCISE.

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

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

19 (A) THREE MEMBERS WHO ARE NATUROPATHIC DOCTORS;

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

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

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

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

29 (c) (I) EACH MEMBER OF THE ADVISORY COMMITTEE HOLDS OFFICE  
30 UNTIL THE EXPIRATION OF THE MEMBER'S APPOINTED TERM OR UNTIL A  
31 SUCCESSOR IS DULY APPOINTED. EXCEPT AS SPECIFIED IN SUBPARAGRAPH  
32 (II) OF THIS PARAGRAPH (c), THE TERM OF OFFICE OF EACH MEMBER IS  
33 FOUR YEARS, AND AN ADVISORY COMMITTEE MEMBER SHALL NOT SERVE  
34 MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS. THE DIRECTOR SHALL  
35 FILL A VACANCY OCCURRING ON THE ADVISORY COMMITTEE, OTHER THAN  
36 BY EXPIRATION OF A TERM, BY APPOINTMENT FOR THE UNEXPIRED TERM  
37 OF THE MEMBER.

38 (II) TO ENSURE STAGGERED TERMS OF OFFICE, THE INITIAL TERM  
39 OF OFFICE OF ONE OF THE NATUROPATHIC DOCTOR MEMBERS, THE  
40 PHARMACIST MEMBER, AND ONE OF THE MEMBERS REPRESENTING THE  
41 PUBLIC IS TWO YEARS. THESE MEMBERS ARE ELIGIBLE TO SERVE ONE  
42 ADDITIONAL FOUR-YEAR TERM OF OFFICE. ON AND AFTER THE EXPIRATION  
43 OF THESE MEMBERS' TERMS, THE TERM OF OFFICE OF PERSONS APPOINTED  
44 TO THESE POSITIONS ON THE ADVISORY COMMITTEE IS AS DESCRIBED IN  
45 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), COMMENCING ON JANUARY  
46 1 OF THE APPLICABLE YEAR.

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

49 (2) THE ADVISORY COMMITTEE SHALL ADVISE THE DIRECTOR IN  
50 THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE AND RULES  
51 ADOPTED UNDER THIS ARTICLE.

52 (3) MEMBERS OF THE ADVISORY COMMITTEE SHALL NOT RECEIVE  
53 COMPENSATION FOR THEIR SERVICES BUT ARE ENTITLED TO  
54 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES THEY INCUR IN  
55 PERFORMING THEIR DUTIES.

56 **12-37.3-104. Director powers and duties.** (1) IN ADDITION TO

1 ANY OTHER POWERS AND DUTIES GRANTED OR IMPOSED ON THE DIRECTOR  
2 UNDER THIS ARTICLE, THE DIRECTOR SHALL:

3 (a) ADOPT RULES NECESSARY TO ADMINISTER THIS ARTICLE;  
4 (b) ESTABLISH THE FORM AND MANNER IN WHICH APPLICANTS ARE  
5 TO APPLY FOR A NEW REGISTRATION OR TO RENEW A REGISTRATION;

6 (c) RECEIVE, REVIEW, AND APPROVE OR DENY APPLICATIONS FOR  
7 REGISTRATIONS AND ISSUE AND RENEW REGISTRATIONS UNDER THIS  
8 ARTICLE;

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

12 (e) CONDUCT INVESTIGATIONS, HOLD HEARINGS, TAKE EVIDENCE,  
13 AND PURSUE DISCIPLINARY ACTIONS PURSUANT TO SECTION 12-37.3-112  
14 WITH RESPECT TO COMPLAINTS AGAINST NATUROPATHIC DOCTORS WHEN  
15 THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A  
16 NATUROPATHIC DOCTOR IS VIOLATING THIS ARTICLE OR RULES ADOPTED  
17 PURSUANT TO THIS ARTICLE, AND TO SUBPOENA WITNESSES, ADMINISTER  
18 OATHS, AND COMPEL THE TESTIMONY OF WITNESSES AND THE PRODUCTION  
19 OF BOOKS, PAPERS, AND RECORDS RELEVANT TO THOSE INVESTIGATIONS  
20 OR HEARINGS. ANY SUBPOENA ISSUED PURSUANT TO THIS ARTICLE IS  
21 ENFORCEABLE BY THE DISTRICT COURT.

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

24 **12-37.3-105. Practice of naturopathic medicine by**  
25 **naturopathic doctors - exclusions - protected activities - rules.**

26 (1) THE PRACTICE OF NATUROPATHIC MEDICINE BY A NATUROPATHIC  
27 DOCTOR INCLUDES THE FOLLOWING:

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

31 (b) THE USE OF PHYSICAL EXAMINATIONS AND THE ORDERING OF  
32 CLINICAL, LABORATORY, AND RADIOLOGICAL DIAGNOSTIC PROCEDURES  
33 FROM LICENSED OR CERTIFIED HEALTH CARE FACILITIES OR LABORATORIES  
34 FOR THE PURPOSE OF DIAGNOSING AND EVALUATING INJURIES, DISEASES,  
35 AND CONDITIONS IN THE HUMAN BODY; OR

36 (c) DISPENSING, ADMINISTERING, AND ORDERING MEDICINES  
37 LISTED IN THE NATUROPATHIC FORMULARY, THERAPEUTIC DEVICES, AND  
38 BARRIER CONTRACEPTIVES, EXCLUDING INTRAUTERINE DEVICES.

39 (2) A NATUROPATHIC DOCTOR SHALL NOT:

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

43 (b) PERFORM SURGICAL PROCEDURES, INCLUDING SURGICAL  
44 PROCEDURES USING A LASER DEVICE;

45 (c) USE GENERAL OR SPINAL ANESTHETICS, OTHER THAN TOPICAL  
46 ANESTHETICS;

47 (d) ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR  
48 THERAPEUTIC PURPOSES;

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

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

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

- 1 (II) REQUIRES THE CHILD'S PARENT OR LEGAL GUARDIAN TO SIGN  
2 AN INFORMED CONSENT THAT:
- 3 (A) DISCLOSES THAT THE NATUROPATHIC DOCTOR IS REGISTERED  
4 PURSUANT TO THIS ARTICLE;
- 5 (B) DISCLOSES THAT THE NATUROPATHIC DOCTOR IS NOT A  
6 PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE;
- 7 (C) RECOMMENDS THAT THE CHILD HAVE A RELATIONSHIP WITH  
8 A LICENSED PEDIATRIC HEALTH CARE PROVIDER; AND
- 9 (D) IF THE CHILD HAS A RELATIONSHIP WITH A LICENSED PEDIATRIC  
10 HEALTH CARE PROVIDER, REQUESTS PERMISSION FROM THE PARENT OR  
11 LEGAL GUARDIAN FOR THE NATUROPATHIC DOCTOR TO ATTEMPT TO  
12 DEVELOP AND MAINTAIN A COLLABORATIVE RELATIONSHIP WITH THE  
13 LICENSED PEDIATRIC HEALTH CARE PROVIDER, AS DEFINED BY DIRECTOR  
14 RULES;
- 15 (g) ENGAGE IN OR PERFORM THE PRACTICE OF MEDICINE, SURGERY,  
16 OR ANY OTHER FORM OF HEALING EXCEPT AS AUTHORIZED BY THIS  
17 ARTICLE;
- 18 (h) PRACTICE OBSTETRICS; OR
- 19 (i) RECOMMEND THE DISCONTINUATION OF, OR COUNSEL AGAINST,  
20 A COURSE OF CARE, INCLUDING A PRESCRIPTION DRUG THAT WAS  
21 RECOMMENDED OR PRESCRIBED BY ANOTHER HEALTH CARE PRACTITIONER  
22 LICENSED IN THIS STATE, UNLESS THE NATUROPATHIC DOCTOR CONSULTS  
23 WITH THE HEALTH CARE PRACTITIONER WHO RECOMMENDED THE COURSE  
24 OF CARE.
- 25 (3) NOTHING IN THIS ARTICLE PROHIBITS OR RESTRICTS:
- 26 (a) A PERSON WHO IS LICENSED, CERTIFIED, OR REGISTERED TO  
27 PRACTICE A PROFESSION OR OCCUPATION UNDER ANY OTHER LAW FROM  
28 ENGAGING IN ACTIVITIES THAT ARE WITHIN THE LAWFUL SCOPE OF  
29 PRACTICE FOR THE PROFESSION OR OCCUPATION FOR WHICH THE PERSON  
30 IS LICENSED, CERTIFIED, OR REGISTERED;
- 31 (b) THE PRACTICE OF NATUROPATHIC MEDICINE BY A PERSON  
32 EMPLOYED BY THE FEDERAL GOVERNMENT WHILE THE PERSON IS ENGAGED  
33 IN THE PERFORMANCE OF HIS OR HER DUTIES;
- 34 (c) THE PRACTICE OF NATUROPATHIC MEDICINE BY STUDENTS  
35 ENROLLED IN AN APPROVED NATUROPATHIC MEDICAL COLLEGE IF THE  
36 PERFORMANCE OF SERVICES IS PURSUANT TO A COURSE OF INSTRUCTION  
37 OR ASSIGNMENTS FROM AND UNDER THE SUPERVISION OF AN INSTRUCTOR  
38 WHO IS A NATUROPATHIC DOCTOR OR A LICENSED PROFESSIONAL IN THE  
39 FIELD IN WHICH HE OR SHE IS PROVIDING INSTRUCTION;
- 40 (d) ANY PERSON FROM ADMINISTERING A DOMESTIC OR FAMILY  
41 REMEDY TO ONESELF OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY  
42 BASED ON RELIGIOUS OR HEALTH BELIEFS;
- 43 (e) ANY PERSON FROM RENDERING AID IN AN EMERGENCY WHEN  
44 NO FEE OR OTHER CONSIDERATION OF VALUE FOR THE SERVICES IS  
45 CHARGED, RECEIVED, EXPECTED, OR CONTEMPLATED; OR
- 46 (f) ANY PERSON ENGAGED IN SELLING VITAMINS, HEALTH FOODS,  
47 DIETARY SUPPLEMENTS, HERBS, OR OTHER NATURAL PRODUCTS, THE SALE  
48 OF WHICH IS NOT OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW,  
49 FROM SELLING OR PROVIDING INFORMATION ABOUT THE PRODUCTS.
- 50 (4) (a) A NATUROPATHIC DOCTOR HAS THE SAME AUTHORITY AND  
51 IS SUBJECT TO THE SAME RESPONSIBILITIES AS A LICENSED PHYSICIAN  
52 UNDER PUBLIC HEALTH LAWS PERTAINING TO REPORTABLE DISEASES AND  
53 CONDITIONS, COMMUNICABLE DISEASE CONTROL AND PREVENTION, AND  
54 RECORDING OF VITAL STATISTICS AND HEALTH AND PHYSICAL  
55 EXAMINATIONS, SUBJECT TO THE LIMITATIONS OF THE SCOPE OF PRACTICE  
56 OF A NATUROPATHIC DOCTOR AS SPECIFIED IN THIS ARTICLE.

1 (b) BEFORE CONDUCTING AN INITIAL EXAMINATION OF A PATIENT,  
2 A NATUROPATHIC DOCTOR SHALL OBTAIN THE PATIENT'S INFORMED  
3 CONSENT TO THE EXAMINATION, EVIDENCED BY A WRITTEN STATEMENT IN  
4 A FORM PRESCRIBED BY THE DIRECTOR AND SIGNED BY BOTH THE PATIENT  
5 AND THE NATUROPATHIC DOCTOR.

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

9 (d) A NATUROPATHIC DOCTOR SHALL REFER A PATIENT TO  
10 ANOTHER HEALTH CARE PROFESSIONAL IF THE PATIENT'S NEEDS ARE  
11 BEYOND THE NATUROPATHIC DOCTOR'S SCOPE OF KNOWLEDGE AND  
12 PRACTICE.

13 (5) THIS ARTICLE DOES NOT PROHIBIT A PERSON LICENSED OR  
14 OTHERWISE AUTHORIZED TO PRACTICE AS A NATUROPATHIC DOCTOR IN  
15 ANOTHER STATE OR DISTRICT IN THE UNITED STATES FROM CONSULTING  
16 WITH A NATUROPATHIC DOCTOR IN THIS STATE, AS LONG AS THE  
17 CONSULTATION IS LIMITED TO EXAMINATION, RECOMMENDATION, OR  
18 TESTIMONY IN LITIGATION.

19 (6) A PERSON WHO IS NOT REGISTERED AS A NATUROPATHIC  
20 DOCTOR UNDER THIS ARTICLE AND WHO PROVIDES NATURAL HEALTH CARE  
21 SERVICES OR ADVISES IN THE USE OF NATURAL HEALTH CARE PRODUCTS OR  
22 THERAPIES MAY HOLD HIMSELF OR HERSELF OUT AND PRACTICE AS A  
23 NATURAL HEALTH CARE PROVIDER, A NATURAL HEALTH CARE  
24 PRACTITIONER, AN UNLICENSED COMPLEMENTARY OR ALTERNATIVE  
25 HEALTH CARE PRACTITIONER, A HOMEOPATH, A TRADITIONAL  
26 NATUROPATH, AN HERBALIST, A PRACTITIONER OF ANOTHER NATURAL  
27 HEALTH CARE VOCATION, OR ANY OTHER TITLE THAT DESCRIBES THE  
28 PRACTICE OR SERVICES BEING PROVIDED.

29 **12-37.3-106. Registration required - qualifications -**  
30 **examination - registration by endorsement - rules.** (1) EFFECTIVE  
31 JUNE 1, 2014, A PERSON SHALL NOT PRACTICE AS A NATUROPATHIC  
32 DOCTOR IN THIS STATE WITHOUT A REGISTRATION.

33 (2) AN APPLICANT FOR A REGISTRATION TO PRACTICE AS A  
34 NATUROPATHIC DOCTOR IN THIS STATE SHALL SUBMIT AN APPLICATION TO  
35 THE DIRECTOR IN A FORM AND MANNER DETERMINED BY THE DIRECTOR BY  
36 RULE, ACCOMPANIED BY THE FEE REQUIRED PURSUANT TO SECTION  
37 12-37.3-104 (1) (d). THE DIRECTOR SHALL ISSUE A REGISTRATION TO  
38 PRACTICE AS A NATUROPATHIC DOCTOR TO AN APPLICANT UPON RECEIPT  
39 OF SATISFACTORY PROOF THAT THE APPLICANT:

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

42 (b) HAS OBTAINED A BACCALAUREATE DEGREE FROM AN  
43 ACCREDITED EDUCATIONAL INSTITUTION OR ITS EQUIVALENT, AS  
44 DETERMINED BY THE DIRECTOR;

45 (c) HAS GRADUATED FROM AND HOLDS A DOCTOR OF  
46 NATUROPATHIC MEDICINE OR DOCTOR OF NATUROPATHY DEGREE FROM AN  
47 APPROVED NATUROPATHIC MEDICAL COLLEGE;

48 (d) HAS SUCCESSFULLY PASSED EITHER A DIRECTOR-APPROVED  
49 EXAMINATION OR A COMPREHENSIVE COMPETENCY-BASED NATIONAL  
50 NATUROPATHIC LICENSING EXAMINATION ADMINISTERED BY THE NORTH  
51 AMERICAN BOARD OF NATUROPATHIC EXAMINERS OR A NATIONALLY  
52 RECOGNIZED, DIRECTOR-APPROVED SUCCESSOR ENTITY, AS DETERMINED  
53 BY THE DIRECTOR BY RULE; AND

54 (e) HAS NOT HAD A LICENSE OR OTHER AUTHORIZATION TO  
55 PRACTICE AS A NATUROPATHIC DOCTOR OR OTHER HEALTH CARE LICENSE,  
56 REGISTRATION, OR CERTIFICATION DENIED, REVOKED, OR SUSPENDED BY

1 COLORADO OR ANY OTHER JURISDICTION FOR REASONS THAT RELATE TO  
2 THE APPLICANT'S ABILITY TO SKILLFULLY AND SAFELY PRACTICE  
3 NATUROPATHIC MEDICINE, UNLESS THE LICENSE, REGISTRATION, OR  
4 CERTIFICATION IS REINSTATED TO GOOD STANDING BY COLORADO OR  
5 ANOTHER JURISDICTION.

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

17

18 **12-37.3-107. Registration renewal or reinstatement - fees.** A  
19 NATUROPATHIC DOCTOR SHALL RENEW OR REINSTATE HIS OR HER  
20 REGISTRATION PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR,  
21 AND THE DIRECTOR SHALL RENEW OR REINSTATE A REGISTRATION IN  
22 ACCORDANCE WITH SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY  
23 ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT  
24 PURSUANT TO SECTION 24-34-105, C.R.S., AND SHALL INCREASE RENEWAL  
25 FEES CONSISTENT WITH SECTION 24-34-109 (4), C.R.S., TO FUND THE  
26 DIVISION'S COSTS IN ADMINISTERING THIS ARTICLE. IF A PERSON FAILS TO  
27 RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE  
28 ESTABLISHED BY THE DIRECTOR, THE REGISTRATION EXPIRES. A PERSON  
29 WHOSE REGISTRATION EXPIRES IS SUBJECT TO THE PENALTIES PROVIDED  
30 IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S. THE DIRECTOR SHALL  
31 TRANSMIT FEES COLLECTED PURSUANT TO THIS SECTION OR SECTION  
32 12-37.3-106 TO THE STATE TREASURER FOR DEPOSIT IN THE DIVISION OF  
33 PROFESSIONS AND OCCUPATIONS CASH FUND PURSUANT TO SECTION  
34 24-34-105, C.R.S.

35

36 **12-37.3-108. Continuing professional competency - rules.**

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

39 (b) THE DIRECTOR SHALL ADOPT RULES ESTABLISHING A  
40 CONTINUING PROFESSIONAL COMPETENCY PROGRAM THAT INCLUDES, AT  
41 A MINIMUM, THE FOLLOWING ELEMENTS:

42 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A  
43 NATUROPATHIC DOCTOR SEEKING TO RENEW OR REINSTATE A  
44 REGISTRATION;

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

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

52 (c) THE DIRECTOR SHALL ESTABLISH THAT A NATUROPATHIC  
53 DOCTOR SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF THIS  
54 SECTION IF THE NATUROPATHIC DOCTOR MEETS THE CONTINUING  
55 PROFESSIONAL COMPETENCY REQUIREMENTS OF ONE OF THE FOLLOWING  
56 ENTITIES:

1 (I) A STATE DEPARTMENT, INCLUDING CONTINUING PROFESSIONAL  
2 COMPETENCY REQUIREMENTS IMPOSED THROUGH A CONTRACTUAL  
3 ARRANGEMENT WITH A PROVIDER;

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

5 (III) AN ENTITY APPROVED BY THE DIRECTOR.

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

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

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

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

26 **12-37.3-110. Persons entitled to practice as naturopathic**  
27 **doctors - title protection for naturopathic doctors.** (1) A PERSON  
28 SHALL NOT HOLD HIMSELF OR HERSELF OUT AS A NATUROPATHIC DOCTOR  
29 OR USE ANY OF THE TITLES OR INITIALS REFERRED TO IN SUBSECTION (2)  
30 OF THIS SECTION UNLESS THE PERSON IS REGISTERED AS A NATUROPATHIC  
31 DOCTOR PURSUANT TO THIS ARTICLE.

32 (2) A NATUROPATHIC DOCTOR MAY USE THE TITLE  
33 "NATUROPATHIC DOCTOR", OR "DOCTOR OF NATUROPATHY", OR THE  
34 INITIALS "N.D."

35 (3) A NATUROPATHIC DOCTOR SHALL NOT USE:

36 (a) THE TERM "PHYSICIAN";

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

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

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

42 **12-37.3-111. Disclosures - record-keeping.** (1) A  
43 NATUROPATHIC DOCTOR SHALL PROVIDE THE FOLLOWING INFORMATION  
44 IN WRITING TO EACH PATIENT IN A FORMAT REQUIRED BY THE DIRECTOR:

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

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

48 (c) A STATEMENT THAT NATUROPATHIC DOCTORS ARE REGISTERED  
49 BY THE STATE TO PRACTICE NATUROPATHIC MEDICINE UNDER THE  
50 "NATUROPATHIC DOCTOR ACT";

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

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

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

55 (2) A NATUROPATHIC DOCTOR SHALL OBTAIN A WRITTEN  
56 ACKNOWLEDGMENT FROM THE PATIENT STATING THAT THE PATIENT HAS

1 BEEN PROVIDED THE INFORMATION DESCRIBED IN SUBSECTION (1) OF THIS  
2 SECTION. THE NATUROPATHIC DOCTOR SHALL RETAIN THE  
3 ACKNOWLEDGMENT FOR SEVEN YEARS AFTER THE DATE ON WHICH THE  
4 LAST SERVICES WERE PROVIDED TO THE PATIENT.

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

10

11 **12-37.3-112. Grounds for discipline - disciplinary actions**  
12 **authorized - procedures.** (1) THE DIRECTOR MAY DENY, REVOKE, OR  
13 SUSPEND THE REGISTRATION OF, ISSUE A LETTER OF ADMONITION TO, OR  
14 PLACE ON PROBATION A NATUROPATHIC DOCTOR FOR ANY OF THE  
15 FOLLOWING ACTS OR OMISSIONS:

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

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

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

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

29 (e) FAILING TO REFER A PATIENT TO AN APPROPRIATE HEALTH  
30 CARE PROFESSIONAL WHEN THE SERVICES REQUIRED BY THE PATIENT ARE  
31 BEYOND THE LEVEL OF COMPETENCE OF THE NATUROPATHIC DOCTOR OR  
32 BEYOND THE SCOPE OF NATUROPATHIC MEDICINE PRACTICE;

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

35 (g) FALSIFYING, REPEATEDLY FAILING TO MAKE ESSENTIAL  
36 ENTRIES IN, OR REPEATEDLY MAKING INCORRECT ESSENTIAL ENTRIES IN  
37 PATIENT RECORDS;

38 (h) CONVICTION OF A FELONY, AN OFFENSE OF MORAL TURPITUDE,  
39 OR A CRIME THAT WOULD CONSTITUTE A VIOLATION OF THIS ARTICLE. FOR  
40 PURPOSES OF THIS PARAGRAPH (h), "CONVICTION" INCLUDES THE ENTRY  
41 OF A PLEA OF GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF A  
42 DEFERRED SENTENCE OR JUDGMENT.

43 (i) ADVERTISING THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,  
44 DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE  
45 NATUROPATHIC DOCTOR WILL PERFORM ANY ACT PROHIBITED BY THIS  
46 ARTICLE;

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

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

55 (l) ADVERTISING THROUGH NEWSPAPERS, MAGAZINES, CIRCULARS,  
56 DIRECT MAIL, DIRECTORIES, RADIO, TELEVISION, OR OTHERWISE THAT THE

1 NATUROPATHIC DOCTOR WILL PERFORM ANY ACT PROHIBITED BY SECTION  
2 18-13-119 (3), C.R.S.;

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

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

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

13 (I) THE SURRENDER OF A LICENSE OR OTHER AUTHORIZATION TO  
14 PRACTICE AS A NATUROPATHIC DOCTOR IN ANOTHER STATE OR  
15 JURISDICTION; OR

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

21 (p) (I) FAILING TO NOTIFY THE DIRECTOR OF A PHYSICAL OR  
22 MENTAL ILLNESS OR CONDITION THAT AFFECTS THE NATUROPATHIC  
23 DOCTOR'S ABILITY TO TREAT PATIENTS WITH REASONABLE SKILL AND  
24 SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS  
25 UNDER HIS OR HER CARE;

26 (II) FAILING TO ACT WITHIN THE LIMITATIONS CREATED BY A  
27 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE  
28 NATUROPATHIC DOCTOR UNABLE TO PRACTICE NATUROPATHIC MEDICINE  
29 WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE  
30 HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER CARE; OR

31 (III) FAILING TO COMPLY WITH THE LIMITATIONS AGREED TO  
32 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION  
33 12-37.3-116;

34 (q) FAILING TO TIMELY RESPOND TO A COMPLAINT FILED AGAINST  
35 THE NATUROPATHIC DOCTOR;

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

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

40 (t) FAILING TO OBTAIN AND CONTINUALLY MAINTAIN  
41 PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION  
42 12-37.3-114.

43 (2) IN ADDITION TO OR AS AN ALTERNATIVE TO THE DISCIPLINE  
44 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION, THE DIRECTOR MAY  
45 ASSESS AN ADMINISTRATIVE FINE OF UP TO FIVE THOUSAND DOLLARS  
46 AGAINST A NATUROPATHIC DOCTOR WHO COMMITS ANY OF THE ACTS OR  
47 OMISSIONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE DIRECTOR  
48 SHALL TRANSMIT ANY MONEYS COLLECTED PURSUANT TO THIS  
49 SUBSECTION (2) TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL  
50 FUND.

51 (3) ANY PERSON WHOSE REGISTRATION IS REVOKED OR WHO  
52 SURRENDERS HIS OR HER REGISTRATION TO AVOID DISCIPLINE IS  
53 INELIGIBLE TO APPLY FOR A REGISTRATION UNDER THIS ARTICLE FOR AT  
54 LEAST TWO YEARS AFTER THE DATE OF REVOCATION OR SURRENDER OF  
55 THE REGISTRATION.

56

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

11 (5) THE DIRECTOR MAY ACCEPT AS PRIMA FACIE EVIDENCE OF  
12 GROUNDS FOR DISCIPLINARY ACTION ANY DISCIPLINARY ACTION TAKEN  
13 AGAINST A NATUROPATHIC DOCTOR BY ANOTHER JURISDICTION IF THE  
14 VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION WOULD BE  
15 GROUNDS FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

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

37 (b) IF A WITNESS OR NATUROPATHIC DOCTOR FAILS TO COMPLY  
38 WITH A SUBPOENA OR PROCESS, THE DIRECTOR MAY APPLY TO THE  
39 DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR  
40 NATUROPATHIC DOCTOR RESIDES OR CONDUCTS BUSINESS FOR AN ORDER  
41 DIRECTING THE PERSON OR NATUROPATHIC DOCTOR TO APPEAR BEFORE  
42 THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS,  
43 DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE  
44 EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION.  
45 THE DIRECTOR SHALL PROVIDE NOTICE TO THE SUBPOENAED PERSON OR  
46 NATUROPATHIC DOCTOR OF THE DIRECTOR'S APPLICATION TO THE DISTRICT  
47 COURT, AND THE COURT SHALL NOT ISSUE THE ORDER ABSENT THE NOTICE.  
48 IF THE SUBPOENAED PERSON OR NATUROPATHIC DOCTOR FAILS TO OBEY  
49 THE COURT'S ORDER, THE COURT MAY HOLD THE PERSON IN CONTEMPT OF  
50 COURT.

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

56

1 (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A  
2 REGISTRANT, THE LETTER MUST ADVISE THE REGISTRANT THAT HE OR SHE  
3 HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER  
4 RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE  
5 INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH  
6 THE LETTER OF ADMONITION IS BASED.

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

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

17 (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
18 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,  
19 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE  
20 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR  
21 PROSECUTION.

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

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

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

45 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY THE PERSON THAT HE  
46 OR SHE HAS BEEN ISSUED AN ORDER TO SHOW CAUSE. THE DIRECTOR  
47 SHALL INCLUDE IN THE NOTICE A COPY OF THE ORDER, THE FACTUAL AND  
48 LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A  
49 HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE  
50 PERSON BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL,  
51 POSTAGE PREPAID, OR IN ANY OTHER MANNER THAT IS PRACTICABLE.  
52 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT  
53 TO THIS SUBSECTION (11) CONSTITUTES NOTICE TO THE PERSON.

54 (c) (I) THE DIRECTOR SHALL COMMENCE THE HEARING ON AN  
55 ORDER TO SHOW CAUSE NO EARLIER THAN TEN AND NO LATER THAN  
56 FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR

1 SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN  
2 PARAGRAPH (b) OF THIS SUBSECTION (11). THE DIRECTOR MAY CONTINUE  
3 THE HEARING UPON AGREEMENT OF ALL PARTIES BASED UPON THE  
4 COMPLEXITY OF THE MATTER, THE NUMBER OF PARTIES TO THE MATTER,  
5 AND THE LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT  
6 SHALL THE DIRECTOR CONTINUE THE HEARING MORE THAN SIXTY  
7 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE  
8 NOTIFICATION.

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

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

27 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET  
28 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (11), OF THE FINAL  
29 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE  
30 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON  
31 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER IS  
32 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL  
33 REVIEW.

34 (12) THE DIRECTOR MAY ENTER INTO A STIPULATION WITH A  
35 PERSON IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE  
36 PRESENTED TO THE DIRECTOR, THAT THE PERSON HAS ENGAGED IN OR IS  
37 ABOUT TO ENGAGE IN:

- 38 (a) AN UNREGISTERED ACT OR PRACTICE;  
39 (b) AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS  
40 ARTICLE OR OF ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE;  
41 (c) A VIOLATION OF AN ORDER ISSUED PURSUANT TO THIS ARTICLE;  
42 OR  
43 (d) AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR  
44 ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE.

45 (13) IF A PERSON FAILS TO COMPLY WITH A FINAL  
46 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY  
47 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE  
48 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION OCCURRED OR IS  
49 OCCURRING TO BRING, AND IF SO REQUESTED THE ATTORNEY SHALL BRING,  
50 SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF  
51 TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL  
52 ORDER.

53 (14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST  
54 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION  
55 OR OF THE DIRECTOR'S FINAL ORDER IN A COURT OF COMPETENT  
56 JURISDICTION.

1           **12-37.3-113. Unauthorized practice - penalties.** A PERSON WHO  
2 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A NATUROPATHIC  
3 DOCTOR WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE  
4 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED  
5 IN SECTION 18-1.3-501, C.R.S.

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

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

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

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

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

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

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

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

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

36           (4) THE DIRECTOR MAY ADOPT RULES REASONABLY NECESSARY TO  
37 IMPLEMENT THIS SECTION.

38           **12-37.3-116. Confidential agreement to limit practice -**  
39 **violation - grounds for discipline.** (1) IF A NATUROPATHIC DOCTOR HAS  
40 A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS HIM OR  
41 HER UNABLE TO PRACTICE NATUROPATHIC MEDICINE WITH REASONABLE  
42 SKILL AND SAFETY TO PATIENTS, THE NATUROPATHIC DOCTOR SHALL  
43 NOTIFY THE DIRECTOR OF THE ILLNESS OR CONDITION IN A MANNER AND  
44 WITHIN A PERIOD DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY  
45 REQUIRE THE NATUROPATHIC DOCTOR TO SUBMIT TO AN EXAMINATION TO  
46 EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON  
47 THE NATUROPATHIC DOCTOR'S ABILITY TO PRACTICE NATUROPATHIC  
48 MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

49           (2) (a) UPON DETERMINING THAT A NATUROPATHIC DOCTOR WITH  
50 A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER  
51 LIMITED SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS,  
52 THE DIRECTOR MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE  
53 NATUROPATHIC DOCTOR IN WHICH THE NATUROPATHIC DOCTOR AGREES  
54 TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY  
55 THE ILLNESS OR CONDITION, AS DETERMINED BY THE DIRECTOR.

56

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

31 (2) THE DIRECTOR SHALL INCLUDE IN AN ORDER ISSUED UNDER  
32 SUBSECTION (1) OF THIS SECTION THE BASIS OF THE DIRECTOR'S  
33 REASONABLE CAUSE TO BELIEVE THAT THE REGISTRANT IS UNABLE TO  
34 PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR THE PURPOSES OF A  
35 DISCIPLINARY PROCEEDING AUTHORIZED BY THIS ARTICLE, THE  
36 REGISTRANT IS DEEMED TO WAIVE ALL OBJECTIONS TO THE ADMISSIBILITY  
37 OF THE EXAMINING HEALTH CARE PROVIDER'S TESTIMONY OR  
38 EXAMINATION REPORTS ON THE GROUND THAT THE TESTIMONY AND  
39 REPORTS ARE PRIVILEGED COMMUNICATIONS.

40 (3) THE REGISTRANT MAY SUBMIT TO THE DIRECTOR TESTIMONY  
41 OR EXAMINATION REPORTS FROM A HEALTH CARE PROVIDER CHOSEN BY  
42 THE REGISTRANT PERTAINING TO THE CONDITION THAT THE DIRECTOR  
43 ALLEGES MAY PRECLUDE THE REGISTRANT FROM PRACTICING WITH  
44 REASONABLE SKILL AND SAFETY. THE DIRECTOR MAY CONSIDER  
45 TESTIMONY AND EXAMINATION REPORTS SUBMITTED BY THE REGISTRANT  
46 IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND  
47 EXAMINATION REPORTS OF THE HEALTH CARE PROVIDER DESIGNATED BY  
48 THE DIRECTOR.

49 (4) A PERSON SHALL NOT USE THE RESULTS OF ANY MENTAL OR  
50 PHYSICAL EXAMINATION ORDERED BY THE DIRECTOR AS EVIDENCE IN ANY  
51 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR. THE EXAMINATION  
52 RESULTS ARE NOT PUBLIC RECORDS AND ARE NOT AVAILABLE TO THE  
53 PUBLIC.

54 **12-37.3-118. Inactive registration - rules.** A NATUROPATHIC  
55 DOCTOR MAY REQUEST THAT THE DIRECTOR INACTIVATE OR ACTIVATE THE  
56 NATUROPATHIC DOCTOR'S REGISTRATION. THE DIRECTOR SHALL

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

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

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

18 **24-34-104. General assembly review of regulatory agencies**  
19 **and functions for termination, continuation, or reestablishment.**  
20 (48.5) The following agencies, functions, or both, terminate on  
21 September 1, 2017:

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

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

26 **24-34-110. Medical transparency act of 2010 - disclosure of**  
27 **information about health care licensees - fines - rules - short title -**  
28 **legislative declaration.** (3) (a) As used in this section, "applicant" means  
29 a person applying for a new, active license, certification, or registration  
30 or to renew, reinstate, or reactivate an active license, certification, or  
31 registration to practice:

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

34 **SECTION 4. Act subject to petition - effective date.** This act  
35 takes effect at 12:01 a.m. on the day following the expiration of the  
36 ninety-day period after final adjournment of the general assembly (August  
37 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
38 referendum petition is filed pursuant to section 1 (3) of article V of the  
39 state constitution against this act or an item, section, or part of this act  
40 within such period, then the act, item, section, or part will not take effect  
41 unless approved by the people at the general election to be held in  
42 November 2014 and, in such case, will take effect on the date of the  
43 official declaration of the vote thereon by the governor."  
44  
45  
46

47 **HB13-1155** be referred favorably to the Committee on Appropriations.  
48  
49

50 **HB13-1158** be amended as follows, and as so amended, be referred to  
51 the Committee of the Whole with favorable  
52 recommendation:  
53

54 Amend printed bill, page 3, strike line 11 and substitute "(2) (b), (2) (c),  
55 and (3) (a) (II) as follows:".  
56

1 Page 3, strike lines 24 and 25 and substitute "~~processing by a third-party~~  
2 ~~certifying entity~~, TAKE A FOOD SAFETY COURSE comparable to and  
3 including CLASSES GIVEN".  
4

5 Page 4, after line 4 insert:  
6

7 "(3) (a) A food product sold under this section must have an  
8 affixed label that includes at least:

9 (II) The producer's name, the address at which the food was  
10 prepared, and the producer's current telephone number ~~and~~ OR electronic  
11 mail address;".  
12  
13  
14  
15

16 **JUDICIARY**

17 After consideration on the merits, the Committee recommends the  
18 following:  
19

20 **HB13-1058** be amended as follows, and as so amended, be referred to  
21 the Committee of the Whole with favorable  
22 recommendation:  
23

24 Amend printed bill, page 10, strike lines 25 through 27 and substitute:  
25

26	"151	50.00%	76
27	152	50.00%	76
28	153	50.00%	77
29	154	50.00%	77
30	155	50.00%	78
31	156	50.00%	78
32	157	50.00%	79
33	158	50.00%	79
34	159	50.00%	80
35	160	50.00%	80
36	161	50.00%	81
37	162	50.00%	81
38	163	50.00%	82
39	164	50.00%	82
40	165	50.00%	83
41	166	50.00%	83
42	167	50.00%	84
43	168	50.00%	84
44	169	50.00%	85
45	170	50.00%	85
46	171	50.00%	86
47	172	50.00%	86
48	173	50.00%	87
49	174	50.00%	87
50	175	50.00%	88
51	176	50.00%	88
52	177	50.00%	89
53	178	50.00%	89
54	179	50.00%	90
55	180	50.00%	90
56	181	50.00%	91

1	182	50.00%	91
2	183	50.00%	92
3	184	50.00%	92
4	185	50.00%	93
5	186	50.00%	93
6	187	50.00%	94
7	188	50.00%	94
8	189	50.00%	95
9	190	50.00%	95
10	191	50.00%	96
11	192	50.00%	96
12	193	50.00%	97
13	194	50.00%	97
14	195	50.00%	98
15	196	50.00%	98
16	197	50.00%	99
17	198	50.00%	99
18	199	50.00%	100
19	200	50.00%	100
20	201	50.00%	101
21	202	50.00%	101
22	203	50.00%	102
23	204	50.00%	102
24	205	50.00%	103
25	206	50.00%	103
26	207	50.00%	104
27	208	50.00%	104
28	209	50.00%	105
29	210	50.00%	105
30	211	50.00%	106
31	212	50.00%	106
32	213	50.00%	107
33	214	50.00%	107
34	215	50.00%	108
35	216	50.00%	108
36	217	50.00%	109
37	218	50.00%	109
38	219	50.00%	110
39	220	50.00%	110
40	221	50.00%	111
41	222	50.00%	111
42	223	50.00%	112
43	224	50.00%	112
44	225	50.00%	113
45	226	50.00%	113
46	227	50.00%	114
47	228	50.00%	114
48	229	50.00%	115
49	230	50.00%	115
50	231	50.00%	116
51	232	50.00%	116
52	233	50.00%	117
53	234	50.00%	117
54	235	50.00%	118
55	236	50.00%	118
56	237	50.00%	119

1	238	50.00%	119
2	239	50.00%	120
3	240	50.00%	120".

4

5 Strike pages 11 through 13.

6

7 Page 14, strike lines 1 through 6.

8

9

10

11 **HB13-1136** be amended as follows, and as so amended, be referred to  
 12 the Committee on Appropriations with favorable  
 13 recommendation:  
 14

15

16 Amend printed bill, page 4, line 4, after "SECTION," insert "AND EXCEPT  
 17 AS PROVIDED IN PARAGRAPH (g) OF THIS SUBSECTION (3),".

17

18 Page 4, line 14, after "(b)" insert "(I)".

19

20 Page 4, line 15, after "TITLE," insert "AND EXCEPT AS PROVIDED IN  
 21 SUBPARAGRAPH (II) OF THIS PARAGRAPH (b),".

22

23 Page 4, line 21, after "PLAINTIFF." add "HOWEVER, IF THE RESPONDENT OR  
 24 DEFENDANT DEMONSTRATES GOOD-FAITH EFFORTS TO COMPLY WITH THIS  
 25 PART 4 AND TO PREVENT DISCRIMINATORY AND UNFAIR EMPLOYMENT  
 26 PRACTICES IN THE WORKPLACE, THE COMMISSION OR COURT SHALL NOT  
 27 AWARD PUNITIVE DAMAGES AGAINST THE RESPONDENT OR DEFENDANT.  
 28

28

29 (II) THE COMMISSION OR COURT SHALL NOT AWARD PUNITIVE  
 30 DAMAGES IN A PROCEEDING OR CIVIL ACTION INVOLVING A CLAIM OF  
 31 FAILURE TO MAKE A REASONABLE ACCOMMODATION FOR A PERSON WITH  
 32 A DISABILITY IF THE RESPONDENT OR DEFENDANT DEMONSTRATES GOOD  
 33 FAITH EFFORTS TO IDENTIFY AND MAKE A REASONABLE ACCOMMODATION  
 34 THAT WOULD PROVIDE THE PERSON WITH A DISABILITY AN EQUALLY  
 35 EFFECTIVE OPPORTUNITY AND WOULD NOT CAUSE AN UNDUE HARDSHIP ON  
 36 THE OPERATION OF THE RESPONDENT'S OR DEFENDANT'S BUSINESS."  
 37

37

38 Page 5, after line 20 insert:

39

40 "(g) IN A PROCEEDING OR CIVIL ACTION INVOLVING A CLAIM OF  
 41 DISCRIMINATION BASED ON AGE, THE COMPLAINING PARTY OR PLAINTIFF  
 42 IS ENTITLED ONLY TO THE RELIEF AUTHORIZED IN SUBSECTION (2) OF THIS  
 43 SECTION AND IN 29 U.S.C. SEC. 626 (b) AND 29 U.S.C. SEC. 216 (b) IF THE  
 44 COMMISSION OR COURT FINDS THAT THE RESPONDENT OR DEFENDANT  
 45 ENGAGED IN A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE  
 46 BASED ON AGE. IF, IN ADDITION TO ALLEGING DISCRIMINATION BASED ON  
 47 AGE, THE COMPLAINING PARTY OR PLAINTIFF ALLEGES DISCRIMINATION  
 48 BASED ON ANY OTHER FACTOR SPECIFIED IN SECTION 24-34-402 (1), THIS  
 49 PARAGRAPH (g) DOES NOT PRECLUDE A COMPLAINING PARTY OR PLAINTIFF  
 50 FROM RECOVERING THE RELIEF AUTHORIZED BY THIS SECTION FOR THAT  
 51 DISCRIMINATION CLAIM."  
 52

51

52

53

54 **HB13-1163** be amended as follows, and as so amended, be referred to  
 55 the Committee on Appropriations with favorable  
 56 recommendation:

1 Amend printed bill, page 3, line 16, strike "ANNUALLY DETERMINE" and  
2 substitute "DEVELOP A POLICY FOR ADMINISTERING THE PROGRAM. THE  
3 POLICY MUST INCLUDE A REQUIREMENT TO ESTABLISH".

4  
5 Page 3, line 18, strike "FUNDS." and substitute "FUNDS, BUT THE MINIMUM  
6 CAP MUST NOT BE LESS THAN ONE THOUSAND DOLLARS." and strike "WILL"  
7 and substitute "MUST".

8  
9 Page 3, line 22, strike "FEES." and substitute "FEES, AS LONG AS FUNDS  
10 ARE AVAILABLE.".

11  
12 Page 3, line 23, after "ASSAULT." insert "THE PROGRAM MAY ALSO PAY  
13 FOR ANY UNCOVERED DIRECT COSTS OF THE MEDICAL FORENSIC  
14 EXAMINATION FOR A MEDICAL-REPORTING VICTIM.".

15  
16 Page 3, strike lines 26 and 27.

17  
18 Page 4, strike lines 1 through 7.

19  
20 Reletter succeeding paragraphs accordingly.

21  
22 Page 4, strike lines 14 and 15 and substitute "LIMITATION ON PAYMENT  
23 SET FORTH IN SUBSECTION (2) OF THIS SECTION FOR GOOD CAUSE OR IN THE  
24 INTERESTS OF JUSTICE.".

25  
26  
27  
28

29 **TRANSPORTATION & ENERGY**  
30 After consideration on the merits, the Committee recommends the  
31 following:

32  
33 **HB13-1091** be referred to the Committee of the Whole with favorable  
34 recommendation.

35  
36  
37 **HB13-1153** be amended as follows, and as so amended, be referred to  
38 the Committee on Appropriations with favorable  
39 recommendation:

40  
41 Amend printed bill, page 3, strike lines 9 though 18 and substitute  
42 "DETERMINED BY RULE. IF THE FILING IS MADE UNDER THIS  
43 SUBPARAGRAPH (III), THE OWNER NEED NOT FILE WITH THE AUTHORIZED  
44 AGENT. THE DEPARTMENT SHALL MAKE THE INFORMATION IN THE REPORT  
45 AVAILABLE TO THE AUTHORIZED AGENTS IN THE COUNTIES WHERE THE  
46 EQUIPMENT IS RENTED OR USED.".

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50 **PRINTING REPORT**

51  
52 The Chief Clerk reports the following bills have been correctly printed:  
53 **HB13-1234, 1235.**

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## MESSAGE(S) FROM THE SENATE

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB13-072, SB13-143.

SB13-118 amended as printed in Senate Journal, February 14, 2013, page 239.

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## MESSAGE(S) FROM THE REVISOR

We herewith transmit:  
without comment, SB13-072 and 143.  
without comment, as amended, SB13-118.

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## INTRODUCTION OF BILLS First Reading

The following bills were read by title and referred to the committees indicated:

**HB13-1236** by Representative(s) Levy, Labuda, Lee; also Senator(s) Ulibarri, Giron, Guzman--Concerning pre-trial release from custody.  
Committee on Judiciary

**SB13-072** by Senator(s) Hodge, Baumgardner, Brophy, Giron, Roberts, Schwartz; also Representative(s) Sonnenberg, Fischer--Concerning the deletion of the requirement for a final permit for all wells withdrawing designated ground water from the Denver basin aquifers.  
Committee on Agriculture, Livestock, & Natural Resources

**SB13-118** by Senator(s) Hodge; also Representative(s) Pabon--Concerning clarification of the exemptions from the laws regulating mortgage loan originators, and, in connection therewith, exempting real estate licensees representing persons providing seller financing for the sale of a limited number of residential properties annually as allowed by law.  
Committee on Business, Labor, Economic, & Workforce Development

**SB13-143** by Senator(s) Grantham; also Representative(s) Peniston--Concerning the institute charter school assistance fund.  
Committee on Education

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**LAY OVER OF CALENDAR ITEM(S)**

On motion of Representative Hullinghorst, the following item(s) on the Calendar were laid over until February 19, retaining place on Calendar:

Consideration of General Orders--**HB13-1025, 1121, 1185, 1199, 1097, 1103, 1118, 1081.**

Cosideration of Resolution(s)--**SJR13-005.**



On motion of Representative Singer, the House adjourned until 9:00 a.m., February 19, 2013.

Approved:  
MARK FERRANDINO,  
Speaker

Attest:  
MARILYN EDDINS,  
Chief Clerk

