

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 17-0303.01 Christy Chase x2008

SENATE BILL 17-106

SENATE SPONSORSHIP

Aguilar and Coram, Kefalas

HOUSE SPONSORSHIP

Singer,

Senate Committees
Health & Human Services

House Committees
Public Health Care & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF**
102 **NATUROPATHIC DOCTORS BY THE DIRECTOR OF THE DIVISION OF**
103 **PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF**
104 **REGULATORY AGENCIES, AND, IN CONNECTION THEREWITH,**
105 **IMPLEMENTING THE DEPARTMENT'S SUNSET REVIEW**
106 **RECOMMENDATIONS.**

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://leg.colorado.gov/>.)

Sunset Process - Senate Health and Human Services

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

HOUSE
Amended 2nd Reading
March 23, 2017

SENATE
3rd Reading Unamended
February 23, 2017

SENATE
Amended 2nd Reading
February 22, 2017

Committee. The bill implements the recommendations of the department of regulatory agencies, as contained in the department's sunset review of naturopathic doctors, as follows:

- ! Continues the regulation of naturopathic doctors by the director of the division of professions and occupations for 5 years, until September 1, 2022 (**sections 1 and 2**);
- ! Requires insurance carriers to report to the director any malpractice judgments against or settlements entered into by a naturopathic doctor (**sections 4 and 5**);
- ! Adds naturopathic doctors to the list of persons required to report child abuse or neglect (**section 7**) and mistreatment of at-risk elders and at-risk adults with intellectual and developmental disabilities (**section 6**);
- ! Clarifies that the naturopathic formulary that lists the medicines naturopathic doctors may use in the practice of naturopathic medicine includes prescription substances and devices authorized under the "Naturopathic Doctor Act" (**section 3**); and
- ! Corrects the name of the homeopathic pharmacopoeia as it appears in the act (**section 3**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **amend**
3 **(23)(a)** introductory portion; **repeal** (13)(a)(V); and **add** **(23)(a)(VIII)** as
4 follows:

5 **24-34-104. General assembly review of regulatory agencies**
6 **and functions for repeal, continuation, or reestablishment - legislative**
7 **declaration - repeal.** (13) (a) The following agencies, functions, or both,
8 will repeal on September 1, 2017:

9 (V) ~~The registering of naturopathic doctors by the director in~~
10 ~~accordance with article 37.3 of title 12, C.R.S.~~

11 (23) (a) The following agencies, functions, or both, ~~will~~ ARE
12 SCHEDULED FOR repeal on September 1, 2022:

13 (VIII) THE REGISTRATION OF NATUROPATHIC DOCTORS IN
14 ACCORDANCE WITH ARTICLE 37.3 OF TITLE 12.

1 **SECTION 2.** In Colorado Revised Statutes, 12-37.3-119, **amend**
2 (1) as follows:

3 **12-37.3-119. Repeal of article.** (1) This ~~article~~ ARTICLE 37.3 is
4 repealed, effective ~~September 1, 2017. Prior to the~~ SEPTEMBER 1, 2022.
5 BEFORE ITS repeal, the department of regulatory agencies shall review
6 ~~registering~~ THE REGISTRATION of naturopathic doctors ~~as provided~~ in
7 ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

8 **SECTION 3.** In Colorado Revised Statutes, 12-37.3-102, **amend**
9 the introductory portion, (7), and (11) as follows:

10 **12-37.3-102. Definitions.** As used in this ~~article~~ ARTICLE 37.3,
11 unless the context otherwise requires:

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~~ REVISION SERVICE".

15 (11) "Naturopathic formulary" means the list of nonprescription
16 classes of medicines determined by the director that naturopathic doctors
17 use in the practice of naturopathic medicine. "NATUROPATHIC
18 FORMULARY" INCLUDES ANY PRESCRIPTION SUBSTANCE OR DEVICE THAT
19 IS AUTHORIZED UNDER THIS ARTICLE 37.3.

20 **SECTION 4.** In Colorado Revised Statutes, 12-37.3-105, **amend**
21 (1)(c)(I)(D), (1)(c)(I)(E), and (1)(c)(I)(F); and **add** (1)(c)(I)(G) and
22 (1)(c)(III) as follows:

23 **12-37.3-105. Practice of naturopathic medicine by**
24 **naturopathic doctors - exclusions - protected activities - rules.**

25 (1) The practice of naturopathic medicine by a naturopathic doctor
26 includes the following:

27 (c) (I) Obtaining, dispensing, administering, ordering, or

1 prescribing, as specified, medicines listed in the naturopathic formulary,
2 which includes:

3 (D) Obtaining and administering vitamins, INCLUDING B6 and
4 B12; MINERALS; AND AMINO ACIDS;

5 (E) Obtaining, administering, or dispensing substances that are
6 regulated by the federal food and drug administration but that do not
7 require a prescription order to be dispensed; and

8 (F) Obtaining and administering vaccines, in accordance with the
9 ACIP guidelines, for patients who are at least eighteen years of age; AND

10 (G) OBTAINING, ADMINISTERING, DISPENSING, AND PRESCRIBING
11 HORMONES, SUBJECT TO THE REQUIREMENTS OF SUBSECTION (1)(c)(III) OF
12 THIS SECTION AND WITHIN THE SCOPE OF NATUROPATHIC MEDICINE AS
13 DEFINED IN SECTION 12-37.3-102 (12).

14 (III) (A) A NATUROPATHIC DOCTOR MAY OBTAIN, ADMINISTER,
15 DISPENSE, AND PRESCRIBE HORMONES PURSUANT TO SUBSECTION
16 (1)(c)(I)(G) OF THIS SECTION ONLY IF THE NATUROPATHIC DOCTOR EITHER
17 DEVELOPS, EXECUTES, AND SIGNS A COLLABORATIVE AGREEMENT WITH A
18 COLORADO-LICENSED PRIMARY CARE PHYSICIAN OR AN ADVANCED
19 PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY OUTLINING THE PROCESS
20 FOR ESTABLISHING AN INITIAL HORMONE TREATMENT PLAN FOR PATIENTS
21 OR DEVELOPS A PROCESS WITH A COLORADO-LICENSED PRIMARY CARE
22 PHYSICIAN OR AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE
23 AUTHORITY FOR CONSULTING AND REFERRING A PATIENT FOR PURPOSES OF
24 ESTABLISHING AN INITIAL HORMONE TREATMENT PLAN.

25 (B) NOTHING IN THIS SUBSECTION (1)(c)(III): LIMITS THE ABILITY
26 OF A NATUROPATHIC DOCTOR TO MAKE AN INDEPENDENT JUDGMENT;
27 REQUIRES SUPERVISION BY A LICENSED PHYSICIAN OR ADVANCED

1 PRACTICE NURSE; PRECLUDES THE USE OF PROFESSIONAL JUDGMENT OR
2 VARIATION ACCORDING TO THE NEEDS OF THE PATIENT; IMPOSES LIABILITY
3 ON A LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE, IN
4 DEVELOPING OR SIGNING A COLLABORATIVE AGREEMENT, FOR THE
5 ACTIONS OF THE NATUROPATHIC DOCTOR IN TREATING A PATIENT WITH
6 HORMONES; IMPOSES LIABILITY ON A NATUROPATHIC DOCTOR, IN
7 DEVELOPING OR SIGNING A COLLABORATIVE AGREEMENT, FOR THE
8 ACTIONS OF THE LICENSED PHYSICIAN OR ADVANCED PRACTICE NURSE IN
9 CONSULTING REGARDING THE TREATMENT OF A PATIENT WITH HORMONES;
10 OR REQUIRES THE NATUROPATHIC DOCTOR AND LICENSED PHYSICIAN OR
11 ADVANCED PRACTICE NURSE TO BE PRACTICING IN THE SAME COMMUNITY
12 OR IN CLOSE PROXIMITY TO EACH OTHER IN ORDER TO ENTER INTO A
13 COLLABORATIVE AGREEMENT.

14 **SECTION 5.** In Colorado Revised Statutes, **add** 12-37.3-114.5
15 as follows:

16 **12-37.3-114.5. Judgments and settlements - reporting.** IN
17 ACCORDANCE WITH SECTION 10-1-125.5, A NATUROPATHIC DOCTOR'S
18 MALPRACTICE INSURANCE CARRIER SHALL REPORT TO THE DIRECTOR
19 INFORMATION RELATING TO A FINAL JUDGMENT OR SETTLEMENT AGAINST
20 THE NATUROPATHIC DOCTOR FOR MALPRACTICE. THE DIRECTOR SHALL
21 REVIEW THE INFORMATION AND INVESTIGATE AND, AS APPROPRIATE, TAKE
22 DISCIPLINARY OR OTHER ACTION AGAINST THE NATUROPATHIC DOCTOR.

23 **SECTION 6.** In Colorado Revised Statutes, **add** 10-1-125.5 as
24 follows:

25 **10-1-125.5. Reporting of malpractice claims against**
26 **naturopathic doctors.** EACH INSURANCE COMPANY LICENSED TO DO
27 BUSINESS IN THIS STATE AND ENGAGED IN WRITING MALPRACTICE

1 INSURANCE FOR NATUROPATHIC DOCTORS REGISTERED UNDER ARTICLE
2 37.3 OF TITLE 12 SHALL SEND TO THE DIRECTOR OF THE DIVISION OF
3 PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY
4 AGENCIES, IN THE FORM PRESCRIBED BY THE COMMISSIONER,
5 INFORMATION RELATING TO EACH MALPRACTICE CLAIM AGAINST A
6 REGISTERED NATUROPATHIC DOCTOR THAT IS SETTLED OR IN WHICH
7 JUDGMENT IS RENDERED AGAINST THE INSURED NATUROPATHIC DOCTOR.
8 THE INSURANCE COMPANY SHALL INCLUDE ANY INFORMATION THE
9 DIRECTOR DETERMINES NECESSARY TO ENABLE THE DIRECTOR TO
10 CONDUCT A FURTHER INVESTIGATION AND HEARING.

11 **SECTION 7.** In Colorado Revised Statutes, 18-6.5-108, **amend**
12 (1)(b) introductory portion and (1)(b)(I) as follows:

13 **18-6.5-108. Mandatory reports of mistreatment of at-risk**
14 **elders and at-risk adults with IDD - list of reporters - penalties.**

15 (1) (b) The following persons, whether paid or unpaid, shall report as
16 required by ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF
17 THIS SECTION:

18 (I) Any person providing health care or health-care-related
19 services, including general medical, surgical, or nursing services;
20 medical, surgical, or nursing speciality services; dental services; vision
21 services; pharmacy services; chiropractic services; NATUROPATHIC
22 MEDICINE SERVICES; or physical, occupational, musical, or other
23 therapies;

24 **SECTION 8.** In Colorado Revised Statutes, 19-3-304, **amend**
25 (2)(jj) and (2)(kk); and **add** (2)(ll) as follows:

26 **19-3-304. Persons required to report child abuse or neglect.**

27 (2) Persons required to report such abuse or neglect or circumstances or

1 conditions include any:

2 (jj) Person who is registered as a psychologist candidate pursuant
3 to section 12-43-304 (7), ~~C.R.S.~~; marriage and family therapist candidate
4 pursuant to section 12-43-504 (5), ~~C.R.S.~~; or licensed professional
5 counselor candidate pursuant to section 12-43-603 (5), ~~C.R.S.~~; or who is
6 described in section 12-43-215; ~~C.R.S.~~; and

7 (kk) Emergency medical service providers, as defined in sections
8 25-3.5-103 (8) and 25-3.5-103 (12) ~~C.R.S.~~; and certified pursuant to part
9 2 of article 3.5 of title 25; ~~C.R.S.~~ AND

10 (ll) NATUROPATHIC DOCTOR REGISTERED UNDER ARTICLE 37.3 OF
11 TITLE 12.

12 **SECTION 9. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2018 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.