

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 20-1210

BY REPRESENTATIVE(S) Caraveo and Duran, Buckner, Soper, Titone, Bockenfeld, Lontine, Michaelson Jenet, Pelton;
also SENATOR(S) Fields, Ginal, Lee, Moreno, Todd.

CONCERNING THE CONTINUATION OF THE STATE BOARD OF CHIROPRACTIC EXAMINERS, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, 12-215-104, **amend** (1) and (3) as follows:

12-215-104. State board of chiropractic examiners - board meetings - election of officers - subject to review - repeal of article.

(1) There is hereby created a Colorado state board of chiropractic examiners, referred to in this article 215 as the "board", consisting of seven members, ~~who are citizens of the United States~~; five of whom must have practiced chiropractic in the state of Colorado for five years before their appointment and two of whom shall be appointed from the public at large. The governor shall appoint members of the board for a term of four years.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

Any board member may be removed by the governor for misconduct, incompetence, or neglect of duty. No member shall serve more than two consecutive terms.

(3) This article 215 is repealed, effective ~~July 1, 2020~~ SEPTEMBER 1, 2029. Before the repeal, this article 215 is scheduled for review in accordance with section 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (18)(a)(VI); and **add** (30)(a)(IV) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (18) (a) The following agencies, functions, or both, are scheduled to repeal on July 1, 2020:

(VI) ~~The Colorado state board of chiropractic examiners created in article 215 of title 12.~~

(30) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2029:

(IV) THE COLORADO STATE BOARD OF CHIROPRACTIC EXAMINERS CREATED IN ARTICLE 215 OF TITLE 12.

SECTION 3. In Colorado Revised Statutes, **amend** 12-215-108 as follows:

12-215-108. Application for license - fee - examination. Any person who fulfills the minimum educational requirements prescribed by this article 215 and by the board, who is ~~not less than~~ twenty-one years of age OR OLDER, who desires to obtain a license to practice chiropractic in this state, and who is not entitled to a license ~~therefor~~ TO PRACTICE CHIROPRACTIC under other provisions of this article 215 may ~~make application~~ **APPLY** for a license upon the forms and in the manner prescribed by the board, which application shall be accompanied by an examination fee. The board may refuse to examine or license an applicant if the applicant has committed any act that would be grounds for disciplinary action against a licensed chiropractor. The applicant shall be examined by the board or the board's designee in the subjects outlined in section 12-215-106 to determine

the applicant's qualifications to practice chiropractic. A license shall be granted to all applicants who ~~on the examination~~ are found qualified by attaining a passing grade on the examinations adopted by the board. ~~Qualification in that portion of the examination relating to the basic sciences shall be established by the applicant submitting proof satisfactory to the board of successfully passing the examination in the basic sciences given by the National Board of Chiropractic Examiners. The board may adopt the practical examination developed and administered by the National Board of Chiropractic Examiners as the practical portion of the examination. If the board adopts the practical examination developed and administered by the National Board of Chiropractic Examiners, qualification in the practical portion of the examination shall be established by the applicant submitting proof satisfactory to the board of successfully passing the practical examination given by the National Board of Chiropractic Examiners, and the passing score for the practical examination shall be as set by the National Board of Chiropractic Examiners. Any A chiropractic applicant who desires to~~ SHALL NOT practice electrotherapy ~~shall present~~ UNTIL THE APPLICANT PRESENTS evidence that ~~he or she~~ THE APPLICANT has successfully completed a course of not less than one hundred twenty classroom hours in this subject at a school approved by the board or under the instruction of an approved provider.

SECTION 4. In Colorado Revised Statutes, **amend** 12-215-113 as follows:

12-215-113. Continuing education. It is hereby expressly declared to be the purpose of this section to provide for an increase in the annual scientific educational requirements of licensed Colorado chiropractors. EVERY TWO YEARS, each licensed Colorado chiropractor in active practice within the state of Colorado shall ~~be required annually to attend not less than fifteen~~ COMPLETE THIRTY hours of scientific clinics, forums, or chiropractic educational study consisting of subjects basic to the field of the healing arts as set forth in section 12-215-106. Each year at the time of its regular June meeting, the board shall prepare an educational schedule of minimum postgraduate requirements of subjects as set forth in section 12-215-106 that shall be met by any school, clinic, forum, or convention giving the educational work, and the minimum standards ~~must~~ SHALL be complied with by the school, clinic, forum, or convention before the board issues a postgraduate attendance certificate. Credit hours shall be determined by the board. Applicants shall apply to the board prior to or after

the course and present proof of attendance and synopsis of the course content for approval of credit hours. This provision is ~~made~~ mandatory in the best interest of public health and welfare and to provide progress in the field of chiropractic. If any licensed chiropractor is unable to comply with this section on account of dire emergency and for good cause shown, the board may waive the ~~provisions~~ REQUIREMENTS of this section.

SECTION 5. In Colorado Revised Statutes, 12-30-108, **repeal** (4)(a)(I)(A) as follows:

12-30-108. Confidential agreement to limit practice - violation grounds for discipline. (4) (a) This section does not apply to:

(I) The following health care professionals:

(A) ~~Chiropractors regulated pursuant to article 215 of this title 12;~~

SECTION 6. In Colorado Revised Statutes, 12-215-115, **amend** (1)(d), (1)(cc), and (5) introductory portion; and **repeal** (1)(e) as follows:

12-215-115. Discipline of licensees - suspension, revocation, denial, and probation - grounds - definitions. (1) Upon any of the following grounds, the board may take disciplinary or other action as specified in section 12-20-404 or impose conditions on a licensee's license:

(d) ~~A substance use disorder, as defined in section 27-82-102, HABITUAL or excessive use OR ABUSE by the licensee of ALCOHOL, a controlled substance, as defined in section 18-18-102 (5), or a habit-forming drug;~~

(e) ~~An alcohol use disorder, as defined in section 27-81-102, or excessive use of alcohol by the licensee;~~

(cc) ~~Having~~ FAILING TO:

(I) NOTIFY THE BOARD, AS REQUIRED BY SECTION 12-30-108 (1), OF A PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL HEALTH OR MENTAL HEALTH DISORDER THAT MAKES THE CHIROPRACTOR UNABLE TO RENDER CHIROPRACTIC SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS;

(II) ACT WITHIN THE LIMITATIONS CREATED BY a physical ILLNESS, PHYSICAL CONDITION, or BEHAVIORAL HEALTH OR ~~mental disability~~ HEALTH DISORDER that makes ~~him or her~~ THE LICENSEE unable to render chiropractic services with reasonable skill and safety TO PATIENTS;

(III) COMPLY WITH THE LIMITATIONS AGREED TO UNDER A CONFIDENTIAL AGREEMENT;

(5) For purposes of this section, the term "unethical advertising" ~~shall include, but not be limited to, advertising, through newspapers, magazines, circulars, direct mail, directories, radio, television, or otherwise,~~ INCLUDES ADVERTISING THROUGH ANY FORM OF MEDIA that:

SECTION 7. In Colorado Revised Statutes, **add** 12-215-129 as follows:

12-215-129. Confidential agreement to limit practice. (1) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, SECTION 12-30-108 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE APPLIES TO THIS ARTICLE 215.

(2) THIS SECTION AND SECTION 12-30-108 DO NOT APPLY TO A LICENSEE SUBJECT TO DISCIPLINE UNDER SECTION 12-215-115 (1)(d).

SECTION 8. In Colorado Revised Statutes, **amend** 12-215-117 as follows:

12-215-117. Use of title. A license to practice chiropractic entitles the holder to use the title "Doctor" or "Dr." when accompanied by the word "Chiropractor" or the letters "D.C.", and to use the title of "Doctor of Chiropractic". The license shall not confer upon the licensee the right to practice surgery or obstetrics, to prescribe, compound, or administer drugs, or to administer anesthetics. Nothing in this article 215 shall be construed to prohibit or to require a license for bona fide chiropractic students or interns in attendance upon a regular course of instruction in a lawfully operated chiropractic school or hospital with respect to performing chiropractic services ~~within the school or hospital~~ IN THIS STATE while under the direct supervision of a licensed chiropractor IN ACCORDANCE WITH SECTION 12-215-130.

SECTION 9. In Colorado Revised Statutes, **add** 12-215-130 as follows:

12-215-130. Chiropractic students - chiropractic services - consent - rules. (1) A CHIROPRACTIC STUDENT, AS PART OF THE STUDENT'S COURSE OF INSTRUCTION AT A BOARD-APPROVED CHIROPRACTIC SCHOOL AND WITH THE SIGNED WRITTEN CONSENT OF THE PATIENT OR THE PATIENT'S PARENT OR GUARDIAN, MAY PERFORM CHIROPRACTIC SERVICES UNDER THE DIRECT SUPERVISION OF A LICENSED CHIROPRACTOR.

(2) THE BOARD SHALL PROMULGATE RULES THAT:

(a) SPECIFY THE CRITERIA THAT CHIROPRACTIC SCHOOLS MUST MEET IN ORDER TO RECEIVE BOARD APPROVAL FOR THE PURPOSE OF ALLOWING STUDENTS ENROLLED IN THE SCHOOLS TO PERFORM CHIROPRACTIC SERVICES IN THIS STATE; AND

(b) CREATE A CONSENT FORM TO BE COMPLETED BY A CHIROPRACTIC STUDENT, THE STUDENT'S SUPERVISING LICENSED CHIROPRACTOR, AND THE PATIENT OR THE PARENT OR GUARDIAN OF THE PATIENT PRIOR TO RECEIVING CHIROPRACTIC SERVICES FROM THE STUDENT.

SECTION 10. Effective date. This act takes effect July 1, 2020.

SECTION 11. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO