

CHAPTER 52

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 15-1075

BY REPRESENTATIVE(S) Ginal, Coram, Hamner, Singer, Arndt, Conti, Court, Duran, Esgar, Humphrey, Lebsock, Lee, Melton, Ransom, Saine, Salazar, Tyler, Winter, Klingenschmitt, Hullinghorst;
also SENATOR(S) Crowder, Newell, Merrifield, Carroll, Heath, Jahn, Kefalas, Kerr, Todd.

AN ACT

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

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

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

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

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

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

(II) (A) ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), DEMONSTRATES IN EACH YEAR IN WHICH THE NATUROPATHIC DOCTOR TREATS A CHILD UNDER TWO YEARS OF AGE, SUCCESSFUL COMPLETION OF FIVE HOURS PER YEAR OF EDUCATION OR PRACTICUM TRAINING SOLELY RELATED TO PEDIATRICS IN ACCORDANCE WITH CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS APPROVED BY THE DIRECTOR PURSUANT TO SECTION 12-37.3-108, WHICH INCLUDES

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SUBJECT MATTER RELATED TO RECOGNIZING A SICK INFANT AND WHEN TO REFER AN INFANT FOR MORE INTENSIVE CARE;

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

(III) (A) DEVELOPS AND EXECUTES A WRITTEN COLLABORATIVE AGREEMENT WITH A LICENSED PHYSICIAN WHO IS A PEDIATRICIAN OR FAMILY PHYSICIAN, WHICH AGREEMENT INCLUDES THE DUTIES AND RESPONSIBILITIES OF EACH PARTY AS PART OF THE COLLABORATIVE AGREEMENT ACCORDING TO EACH PARTY'S STANDARD OF CARE AND PRACTICE ACT, A PROCESS FOR CONSULTING WITH AND REFERRING TO A LICENSED PHYSICIAN TO FACILITATE THE EFFECTIVE TREATMENT OF CHILDREN UNDER TWO YEARS OF AGE, AND OTHER PROVISIONS AS MAY BE ESTABLISHED BY THE DIRECTOR BY RULE. THE NATUROPATHIC DOCTOR AND THE LICENSED PHYSICIAN SHALL KEEP THE WRITTEN COLLABORATIVE AGREEMENT ON FILE AND, UPON REQUEST BY THE DIRECTOR, FOR NATUROPATHIC DOCTORS, OR BY COLORADO MEDICAL BOARD, FOR LICENSED PHYSICIANS, SHALL PROVIDE A COPY OF THE AGREEMENT TO THE DIRECTOR OR BOARD, AS APPLICABLE.

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

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

(D) NOTHING IN THIS SUBPARAGRAPH (III): LIMITS THE ABILITY OF A NATUROPATHIC DOCTOR TO MAKE AN INDEPENDENT JUDGMENT; REQUIRES SUPERVISION BY A LICENSED PHYSICIAN; PRECLUDES THE USE OF PROFESSIONAL JUDGMENT OR VARIATION ACCORDING TO THE NEEDS OF THE CHILD UNDER TWO YEARS OF AGE; IMPOSES LIABILITY ON A LICENSED PHYSICIAN, IN DEVELOPING OR SIGNING A COLLABORATIVE AGREEMENT, FOR THE ACTIONS OF THE NATUROPATHIC DOCTOR IN TREATING A CHILD UNDER TWO YEARS OF AGE; IMPOSES LIABILITY ON A NATUROPATHIC DOCTOR, IN DEVELOPING OR SIGNING A COLLABORATIVE AGREEMENT, FOR THE ACTIONS OF THE LICENSED PHYSICIAN IN CONSULTING REGARDING THE TREATMENT OF A CHILD LESS THAN TWO YEARS OF AGE; OR REQUIRES THE NATUROPATHIC DOCTOR AND LICENSED PHYSICIAN TO BE PRACTICING IN THE SAME COMMUNITY OR IN CLOSE PROXIMITY TO EACH OTHER IN ORDER TO ENTER INTO A COLLABORATIVE AGREEMENT;

(IV) REQUIRES THE CHILD'S PARENT OR LEGAL GUARDIAN TO SIGN AN INFORMED

CONSENT THAT:

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

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

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

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

(V) COMPLIES WITH RULES ADOPTED BY THE DIRECTOR REGARDING THE TRAINING REQUIRED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) AND REFERRAL TO AND COMMUNICATION WITH LICENSED PEDIATRIC HEALTH CARE PROVIDERS, PHYSICIANS, OR ADVANCED PRACTICE NURSES AS REQUIRED BY SUB-SUBPARAGRAPH (D) OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (e), TO ENSURE THE SAFETY OF CLIENTS WHO ARE UNDER TWO YEARS OF AGE;

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

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

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

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

(b) AS USED IN THIS SUBSECTION (2), "ADVERSE EVENT" MEANS ANY HARM TO A CHILD UNDER TWO YEARS OF AGE THAT THE TREATING NATUROPATHIC DOCTOR IS AWARE OF AND THAT RESULTED OR LIKELY RESULTED FROM THE NATUROPATHIC DOCTOR'S CARE OF THE CHILD. REPORTING AN ADVERSE EVENT TO THE DEPARTMENT PURSUANT TO THIS SECTION DOES NOT, ALONE, CONSTITUTE GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-37.3-112.

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

Approved: March 26, 2015