

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

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

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.

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 (19)(a) introductory portion; **repeal** (13)(a)(V); and **add** (19)(a)(XII) 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 (19) (a) The following agencies, functions, or both, ~~will~~ ARE
12 SCHEDULED FOR repeal on September 1, 2020:

13 (XII) 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, 2020.
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, 12-37.3-110, amend
21 (2) as follows:

22 **12-37.3-110. Persons entitled to practice as naturopathic**
23 **doctors - title protection for naturopathic doctors.** (2) A naturopathic
24 doctor may use the title "naturopathic "REGISTERED NATUROPATHIC
25 doctor", or "doctor "REGISTERED DOCTOR of naturopathy", or the initials
26 "N.D." "R.N.D."

27 **SECTION 5.** In Colorado Revised Statutes, **add** 12-37.3-114.5

1 as follows:

2 **12-37.3-114.5. Judgments and settlements - reporting.** IN
3 ACCORDANCE WITH SECTION 10-1-125.5, A NATUROPATHIC DOCTOR'S
4 MALPRACTICE INSURANCE CARRIER SHALL REPORT TO THE DIRECTOR
5 INFORMATION RELATING TO A FINAL JUDGMENT OR SETTLEMENT AGAINST
6 THE NATUROPATHIC DOCTOR FOR MALPRACTICE. THE DIRECTOR SHALL
7 REVIEW THE INFORMATION AND INVESTIGATE AND, AS APPROPRIATE, TAKE
8 DISCIPLINARY OR OTHER ACTION AGAINST THE NATUROPATHIC DOCTOR.

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

11 **10-1-125.5. Reporting of malpractice claims against**
12 **naturopathic doctors.** EACH INSURANCE COMPANY LICENSED TO DO
13 BUSINESS IN THIS STATE AND ENGAGED IN WRITING MALPRACTICE
14 INSURANCE FOR NATUROPATHIC DOCTORS REGISTERED UNDER ARTICLE
15 37.3 OF TITLE 12 SHALL SEND TO THE DIRECTOR OF THE DIVISION OF
16 PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY
17 AGENCIES, IN THE FORM PRESCRIBED BY THE COMMISSIONER,
18 INFORMATION RELATING TO EACH MALPRACTICE CLAIM AGAINST A
19 REGISTERED NATUROPATHIC DOCTOR THAT IS SETTLED OR IN WHICH
20 JUDGMENT IS RENDERED AGAINST THE INSURED NATUROPATHIC DOCTOR.
21 THE INSURANCE COMPANY SHALL INCLUDE ANY INFORMATION THE
22 DIRECTOR DETERMINES NECESSARY TO ENABLE THE DIRECTOR TO
23 CONDUCT A FURTHER INVESTIGATION AND HEARING.

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

26 **18-6.5-108. Mandatory reports of mistreatment of at-risk**
27 **elders and at-risk adults with IDD - list of reporters - penalties.**

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

4 (I) Any person providing health care or health-care-related
5 services, including general medical, surgical, or nursing services;
6 medical, surgical, or nursing speciality services; dental services; vision
7 services; pharmacy services; chiropractic services; NATUROPATHIC
8 MEDICINE SERVICES; or physical, occupational, musical, or other
9 therapies;

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

12 **19-3-304. Persons required to report child abuse or neglect.**

13 (2) Persons required to report such abuse or neglect or circumstances or
14 conditions include any:

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

20 (kk) Emergency medical service providers, as defined in sections
21 25-3.5-103 (8) and 25-3.5-103 (12) ~~C.R.S.~~; and certified pursuant to part
22 2 of article 3.5 of title 25; ~~C.R.S.~~ AND

23 (ll) NATUROPATHIC DOCTOR REGISTERED UNDER ARTICLE 37.3 OF
24 TITLE 12.

25 **SECTION 9. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2018 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.