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SENATE BILL 17-106

BY SENATOR(S) Aguilar and Coram, Kefalas, Crowder, Jahn, Jones;
also REPRESENTATIVE(S) Singer, Ginal, Hooton, Kennedy, Lebsock,
Hamner, Buckner, Lee, Michaelson Jenet, Salazar.

CONCERNING THE CONTINUATION OF THE REGULATION OF NATUROPATHIC
DOCTORS BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND
OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES, AND,
IN CONNECTION THEREWITH, IMPLEMENTING THE DEPARTMENT'S
SUNSET REVIEW RECOMMENDATIONS.

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

SECTION 1. In Colorado Revised Statutes, 24-34-104, **amend** (19)(a) introductory portion; **repeal** (13)(a)(V); and **add** (19)(a)(XII) as follows:

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

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

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

(19) (a) The following agencies, functions, or both, ~~will~~ ARE SCHEDULED FOR repeal on September 1, 2020:

(XII) THE REGISTRATION OF NATUROPATHIC DOCTORS IN ACCORDANCE WITH ARTICLE 37.3 OF TITLE 12.

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

12-37.3-119. Repeal of article. (1) This ~~article~~ ARTICLE 37.3 is repealed, effective ~~September 1, 2017.~~ Prior to the SEPTEMBER 1, 2020. BEFORE ITS repeal, the department of regulatory agencies shall review ~~registering~~ THE REGISTRATION of naturopathic doctors as ~~provided~~ in ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

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

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

(7) "Homeopathic preparations" means medicines prepared according to the most current version of the "Homeopathic Pharmacopoeia of the United States/ ~~revised services~~ REVISION SERVICE".

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

SECTION 4. In Colorado Revised Statutes, 12-37.3-110, **amend** (2) as follows:

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

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

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

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

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

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

18-6.5-108. Mandatory reports of mistreatment of at-risk elders and at-risk adults with IDD - list of reporters - penalties. (1) (b) The following persons, whether paid or unpaid, shall report as required by ~~paragraph (a) of this subsection~~ (1) SUBSECTION (1)(a) OF THIS SECTION:

(I) Any person providing health care or health-care-related services, including general medical, surgical, or nursing services; medical, surgical, or nursing speciality services; dental services; vision services; pharmacy services; chiropractic services; NATUROPATHIC MEDICINE SERVICES; or

physical, occupational, musical, or other therapies;

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

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

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

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

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

(mm) NATUROPATHIC DOCTOR REGISTERED UNDER ARTICLE 37.3 OF TITLE 12.

SECTION 9. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO