

Article 33 215
Chiropractors

PART 1
GENERAL PROVISIONS

- ~~12-33-101~~ **12-215-101.** Legislative declaration - unlawful acts - license required.
- 12-215-102.** *Applicability of common provisions.*
- ~~12-33-102.~~ **12-215-103.** Definitions.
- ~~12-33-103.~~ **12-215-104.** State board of chiropractic examiners - subject to termination - repeal of article - board meetings - election of officers. <{*Recommend combining 12-33-103 and 12-33-105 into single section, 12-215-104.*}>
- ~~12-33-104.~~ Oath. (Repealed)
- ~~12-33-105.~~ Board meetings - election of officers. <{*Consolidated with 12-33-103 and moved to 12-215-104.*}>
- ~~12-33-106.~~ Bond. (Repealed)
- ~~12-33-107.~~ **12-215-105.** Board powers - limits on authority - publications - records. <{*Recommend combining 12-33-107, 12-33-107.5, 12-33-108, & 12-22-110 into single section, 12-215-105.*}>
- ~~12-33-107.5.~~ Limitation on authority. <{*Consolidated with 12-33-107, 12-33-108, & 12-33-110 and moved to 12-215-105.*}>
- ~~12-33-108.~~ Board publications. <{*Consolidated with 12-33-107, 12-33-107.5, & 12-33-110 and moved to 12-215-105.*}>
- ~~12-33-109.~~ Disposition of fees. <{*Recommend repealing as redundant with fees common provision.*}>
- ~~12-33-110.~~ Records. <{*Consolidated with 12-33-107, 12-33-107.5, & 12-33-108 and moved to 12-215-105.*}>
- ~~12-33-111.~~ **12-215-106.** Licensure - minimum education requirements.
- ~~12-33-111.5.~~ **12-215-107.** Display of license required.
- ~~12-33-112.~~ **12-215-108.** Application for license - fee - examination.
- ~~12-33-112.5.~~ Temporary licensure. (Repealed)
- ~~12-33-113.~~ **12-215-109.** Licensure by endorsement.
- ~~12-33-114.~~ **12-215-110.** Renewal of license.
- ~~12-33-114.5.~~ **12-215-111.** Change of address - reporting required.
- ~~12-33-115.~~ **12-215-112.** Persons licensed under previous laws.
- ~~12-33-116.~~ **12-215-113.** Continuing education.
- ~~12-33-116.5.~~ **12-215-114.** Professional liability insurance required.
- ~~12-33-117.~~ **12-215-115.** Discipline of licensees - letters of admonition, suspension,

- ~~12-33-117.5~~ **12-215-116.** revocation, denial, and probation - grounds.
- ~~12-33-118~~ **12-215-117.** Mental and physical examination of licensees.
- ~~12-33-119~~ **12-215-118.** Use of title.
- ~~12-33-119.1~~ **12-215-119.** Disciplinary proceedings.
- ~~12-33-119.2~~ **12-215-120.** Professional review committee - immunity.
- ~~12-33-120~~ **12-215-121.** Cease-and-desist orders.
- ~~12-33-121~~ **12-215-122.** Unauthorized practice - penalties - exemption.
- ~~12-33-122~~ **12-215-123.** Judicial review.
- ~~12-33-123.~~ ~~Application of article. (Repealed)~~
- ~~12-33-124~~ **12-215-124.** Duty of district attorneys - duty of department of regulatory agencies.
- ~~12-33-125~~ **12-215-125.** Professional service corporations, limited liability companies, and registered limited liability partnerships for the practice of chiropractic - definitions.
- ~~12-33-126~~ **12-215-126.** Reporting requirements.
- ~~12-33-127~~ **12-215-127.** Confidentiality - exceptions.
- ~~12-33-128~~ **12-215-128.** Animal chiropractic - registration - qualifications - continuing education - collaboration with veterinarian - discipline - title restriction - rules.
- ~~12-33-128~~ **12-215-128.** Chiropractic assistants.

PART 2
SAFETY TRAINING FOR UNLICENSED X-RAY TECHNICIANS

- ~~12-33-201~~ **12-215-201.** Legislative declaration.
- ~~12-33-202~~ **12-215-202.** Board authorized to issue rules - definition.

PART 1
GENERAL PROVISIONS

1 **12-215-101. [Formerly 12-33-101] Legislative declaration - unlawful acts -**
2 **license required.** (1) It is hereby declared to be the policy of the general assembly of the
3 state of Colorado that, in order to safeguard the life, health, and property and the public
4 welfare of the people of this state and in order to protect the people of this state against
5 unauthorized, unqualified, and improper practice of chiropractic, it is necessary that a proper
6 regulatory authority be established and adequately provided for.
7 (2) It is unlawful for any person to practice or to offer to practice chiropractic in the
8 state of Colorado, or to use in connection with his OR HER name or business or otherwise to
9 assume, use, or advertise any title or description ~~which~~ THAT will or ~~which~~ THAT reasonably

1 might be expected to mislead the public into believing he OR SHE is a doctor of chiropractic,
2 unless ~~such~~ THE person has been duly licensed under the provisions of this article **215**.
3 Anyone who holds himself OR HERSELF out to the public as a doctor of chiropractic without
4 qualifying for proper licensing under this article **215** and without submitting to the
5 regulations provided in this article **215** endangers thereby the public life, health, property,
6 and welfare.

7
8 **12-215-102. Applicability of common provisions.** ARTICLES 1, 20, AND 30 OF THIS
9 TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 215.

10
11 **12-215-103. [Formerly 12-33-102] Definitions.** As used in this article ~~33~~ **215**,
12 unless the context otherwise requires:

13 (1) "Acupuncture" means the puncture of the skin with fine needles for diagnostic
14 and therapeutic purposes.

15 ~~(1.3)~~ (2) (a) "Animal chiropractic" means diagnosing and treating animal vertebral
16 subluxation through chiropractic adjustment of the spine or extremity articulations of fully
17 awake dogs and equids. The chiropractic adjustment may be performed only with the hands
18 or with the use of a handheld low-force mechanical adjusting device functionally equivalent
19 to the device known as an activator; all other equipment is prohibited.

20 (b) "Animal chiropractic" does not include:

21 (I) Performing veterinary medical care and diagnosis;

22 (II) Performing surgery;

23 (III) Dispensing or administering medications, dietary or nutritional supplements,
24 herbs, essences, nutraceutical products, or anything else supplied orally, rectally, by
25 inhalation, by injection, or topically except topically applied heat or cold;

26 (IV) Generating radiographic images or performing imaging procedures, including
27 thermography;

28 (V) Performing acupuncture, or any treatment activity other than chiropractic
29 adjustment;

30 (VI) Providing magnetic or other nonmanual treatment techniques, colonics,
31 colored-light therapy, homeopathy, radionics, or vitamin therapy;

32 (VII) Venipuncture;

33 (VIII) Making diagnoses by methods such as live cell analysis, pendulum divining,
34 iridology, hair analysis, nutritional deficiency questionnaires, herbal crystallization analysis,
35 or food allergy testing.

36 ~~(1.5)~~ (3) "Animal vertebral subluxation" means a lesion or dysfunction in a joint or
37 motion segment in which alignment, movement integrity, or physiological function are
38 altered, although contact between joint surfaces remains intact, ~~which~~ THAT may influence
39 biomechanical and neural integrity. Diagnosis of animal vertebral subluxation typically

1 involves evaluation of gait and radiographs, and static and motion palpation techniques that
2 are used to identify joint dysfunction. Diagnosis of animal vertebral subluxation does not
3 include methods such as applied kinesiology, reflexology, pendulum divining, or
4 thermography.

5 ~~(1.7)~~ (4) "Chiropractic" means that branch of the healing arts that is based on the
6 premise that disease is attributable to the abnormal functioning of the human nervous
7 system. It includes the diagnosing and analyzing of human ailments and seeks the
8 elimination of the abnormal functioning of the human nervous system by the adjustment or
9 manipulation, by hand or instrument, of the articulations and adjacent tissue of the human
10 body, particularly the spinal column, and the use as indicated of procedures that facilitate
11 the adjustment or manipulation and make it more effective and the use of sanitary, hygienic,
12 nutritional, and physical remedial measures for the promotion, maintenance, and restoration
13 of health, the prevention of disease, and the treatment of human ailments. "Chiropractic"
14 includes the use of venipuncture for diagnostic purposes. "Chiropractic" does not include
15 colonic irrigation therapy. "Chiropractic" includes treatment by acupuncture when performed
16 by an appropriately trained chiropractor as determined by the Colorado state board of
17 chiropractic examiners. Nothing in this section shall apply to persons using acupuncture not
18 licensed by the board.

19 ~~(2)~~ (5) "Chiropractic adjustment" means the application, by hand, by a trained
20 chiropractor who has fulfilled the educational and licensing requirements of this article **215**,
21 of adjustive force to correct subluxations, fixations, structural distortions, abnormal tensions,
22 and disrelated structures, or to remove interference with the transmission of nerve force. The
23 application of the dynamic adjustive thrust is designed and intended to produce and usually
24 elicits audible and perceptible release of tensions and movement of tissues or anatomical
25 parts for the purpose of removing or correcting interference to nerve transmission and
26 expression.

27 ~~(3)~~ (6) "Electrotherapy" means the application of any radiant or current energies of
28 high or low frequency, alternating or direct, except surgical cauterization,
29 electrocoagulation, the use of radium in any form, and X-ray therapy.

30 ~~(3.1)~~ (7) "Equid" means a hoofed mammal of the family equidae and includes
31 donkeys, horses, mules, and zebras.

32 ~~(3.5)~~ (8) "Licensed veterinarian" has the same meaning as set forth in section
33 ~~12-64-103 (9)~~ **12-315-__ ()**.

34 ~~(4)~~ (9) "Venipuncture" means the puncture of a vein for the withdrawal of blood for
35 the purpose of diagnosis through blood analysis. Any blood analysis shall be done by a
36 chiropractor or by a commercial laboratory.

37 ~~(5)~~ (10) "Veterinary medical clearance" means that a veterinarian licensed under
38 **article 64 315 of this title 12** has examined an animal patient, has provided a diagnosis or
39 differential diagnosis if appropriate, and has provided written clearance, which may be

1 transmitted electronically, for animal chiropractic. The veterinary medical clearance shall
2 precede the commencement of animal chiropractic treatment and may contain limitations on
3 the scope, date of initiation, and duration of chiropractic treatment. Once a veterinary
4 medical clearance has been received, the chiropractor is responsible for developing the plan
5 of care for the animal patient's animal chiropractic.
6

7 **12-215-104. State board of chiropractic examiners - subject to termination -**
8 **repeal of article - board meetings - election of officers.** (1) [Formerly 12-33-103
9 (1)] There is hereby created a Colorado state board of chiropractic examiners, referred to
10 in this article **215** as the "board", consisting of seven members who are citizens of the United
11 States, five of whom must have practiced chiropractic in the state of Colorado for five years
12 before their appointment and two of whom shall be appointed from the public at large. The
13 governor shall appoint members of the board for a term of four years. Any board member
14 may be removed by the governor for misconduct, incompetence, or neglect of duty. No
15 member shall serve more than two consecutive terms.

16 ~~(2) Repealed.~~

17 ~~(3) (2) [Formerly 12-33-103 (3)]~~ (a) The provisions of section 24-34-104 C.R.S.,
18 concerning the termination schedule for regulatory bodies of the state unless extended as
19 provided in that section, are applicable to the Colorado state board of chiropractic examiners
20 created by this section.

21 (b) This article **215** is repealed, effective July 1, 2020.

22 (3) [Formerly 12-33-105] The board shall elect from the membership thereof a
23 president, a vice-president, and a secretary-treasurer. The board shall meet at such times and
24 at such places as the board deems necessary, but in no case less than annually. A majority
25 of the board shall constitute a quorum. An annual election of officers shall occur.
26

27 ~~**12-215-104. Oath. (Repealed)**~~

28
29 ~~**12-33-105. Board meetings - election of officers.**~~ The board shall elect from the
30 membership thereof a president, a vice-president, and a secretary-treasurer. The board shall
31 meet at such times and at such places as the board deems necessary, but in no case less than
32 annually. A majority of the board shall constitute a quorum. An annual election of officers
33 shall occur. <{*Moved to 12-215-104 (3), above.*}>
34

35 ~~**12-33-106. Bond. (Repealed)**~~

36
37 **12-215-105. Board powers - limits on authority - publications - records.**
38 (1) [Formerly 12-33-107(1)] The board is authorized to and shall:

39 (a) Adopt, promulgate, and from time to time revise such rules and regulations not

1 inconsistent with the law as may be necessary to enable it to carry out the provisions of this
2 article 215; except that the board shall not adopt the code of ethics of any professional group
3 or association by rule or regulation; <{Recommend striking first portion of paragraph (a)
4 as redundant with general rule-making authority common provision, 12-20-204.
5 Recommend moving the "except that" clause to new subsection (2), below.}>

6 (b) (a) Examine, license, and renew licenses of duly qualified chiropractic applicants;

7 (c) (b) Approve or refuse to approve chiropractic schools and colleges;

8 (d) (c) Conduct hearings IN ACCORDANCE WITH SECTION 12-20-403 upon complaints
9 concerning the disciplining of chiropractors; <{Recommend adding reference to
10 disciplinary procedures common provision, 12-20-403.}>

11 (e) (d) Cause the prosecution of and seek injunctions IN ACCORDANCE WITH SECTION
12 12-20-406 against all persons violating this article 215; <{Recommend adding reference
13 to injunctive relief common provision, 12-20-406.}>

14 (f) (e) Employ investigators; issue subpoenas, compel the attendance of witnesses,
15 compel the production of records, books, papers, and documents, and administer oaths to
16 persons giving testimony at hearings; <{With the exception of the authority to "employ
17 investigators", the remainder of this provision is redundant with disciplinary procedures
18 common provision, 12-20-403. Recommend amending as indicated.}>

19 (g) Repealed.

20 (h) (f) Identify and proscribe, by rule, chiropractic practices which THAT are untrue,
21 deceptive, or misleading.

22 (2) THE BOARD SHALL NOT ADOPT THE CODE OF ETHICS OF ANY PROFESSIONAL GROUP
23 OR ASSOCIATION BY RULE.

24 (3) [Formerly 12-33-107.5] The authority granted the board under the provisions
25 of this article 215 shall not be construed to authorize the board to arbitrate or adjudicate fee
26 disputes between licensees or between a licensee and any other party.

27 (4) [Formerly 12-33-108 (2)] Publications of the board circulated in quantity outside
28 the executive branch shall be issued in accordance with the provisions of section 24-1-136.
29 C.R.S.

30 (5) [Formerly 12-33-110] The board shall keep a record of its proceedings and a
31 register of all applications for licensing and all licensed chiropractors, such to be public
32 records and prima facie evidence of the proceedings of the board set forth therein.

34 ~~12-33-107.5. Limitation on authority.~~ The authority granted the board under the
35 provisions of this article shall not be construed to authorize the board to arbitrate or
36 adjudicate fee disputes between licensees or between a licensee and any other party.
37 <{Moved to 12-215-105 (3), above.}>

38
39 ~~12-33-108. Board publications.~~

1 (1) Repealed.

2 (2) Publications of the board circulated in quantity outside the executive branch shall
3 be issued in accordance with the provisions of section 24-1-136, C.R.S. <{*Moved to*
4 *12-215-105 (4), above.*}>

5
6 **12-33-109. Disposition of fees.** All examination and renewal fees under this article
7 *215* shall be collected by the board and transmitted to the state treasurer pursuant to law.
8 <{*Redundant with fees common provision, 12-20-105. Recommend repealing.*}>

9
10 **12-33-110. Records.** The board shall keep a record of its proceedings and a register
11 of all applications for licensing and all licensed chiropractors, such to be public records and
12 prima facie evidence of the proceedings of the board set forth therein. <{*Moved to*
13 *12-215-105 (5), above.*}>

14
15 **12-215-106. [Formerly 12-33-111] Licensure - minimum education**
16 **requirements.** (1) (a) A minimum educational requirement shall include a knowledge of
17 the basic sciences and for original licensure shall include graduation from a high school or
18 its educational equivalent and graduation from an approved chiropractic school or college
19 ~~which~~ THAT teaches a course of not less than four thousand resident classroom hours in a
20 period of four academic years. All applicants for licensure who matriculate in a chiropractic
21 school or college shall present evidence of having graduated from a chiropractic school or
22 college having status with the commission on accreditation of the council on chiropractic
23 education, or its successor, or from a chiropractic school or college ~~which~~ THAT meets
24 equivalent standards. The schedule of minimum educational requirements to enable any
25 person to practice chiropractic in the state of Colorado is, except as otherwise provided, as
26 follows:

27 Group 1. Anatomy, including embryology and histology

28 Group 2. Physiology and psychology

29 Group 3. Biochemistry, inorganic and organic chemistry

30 Group 4. Pathology, bacteriology, and toxicology

31 Group 5. Public health, hygiene, sanitation, and first aid

32 Group 6. Diagnosis (to include, but not be limited to, physical, clinical, laboratory, and
33 all other recognized diagnostic procedures), pediatrics, dermatology, syphilology, psychiatry,
34 and X ray

35 Group 7. Obstetrics, gynecology

36 Group 8. Principles and practice of chiropractic, adjustive technic. Electives including
37 dietetics, nutrition, posture, physiotherapy, electrotherapy, and surgical, optometric, and
38 dental indications

39 (b) (2) Any chiropractic college or school meeting the requirements of this section

1 and the rules ~~and regulations~~ adopted by the board shall be eligible for approval.
2

3 **12-215-107. [Formerly 12-33-111.5] Display of license required.** Every licensed
4 practitioner of chiropractic shall conspicuously display his or her license to practice in this
5 state. If a chiropractor practices at several locations, his or her name and license number
6 shall be displayed in a manner that can be easily recognized by patients. Persons who engage
7 in the practice of chiropractic under the name of a partnership, association, or other entity
8 shall conspicuously display at the entrance of their place of business the name of each
9 member or associate of ~~such~~ THE entity who is engaged in the practice of chiropractic.
10

11 **12-215-108. [Formerly 12-33-112] Application for license - fee - examination.**
12 Any person who fulfills the minimum educational requirements prescribed by this article **215**
13 and by the board, who is not less than twenty-one years of age, who desires to obtain a
14 license to practice chiropractic in this state, and who is not entitled to a license therefor
15 under other provisions of this article **215** may make application for ~~such~~ A license upon ~~such~~
16 THE forms and in ~~such~~ THE manner as prescribed by the board, which application shall be
17 accompanied by an examination fee. The board may refuse to examine or license an
18 applicant if the applicant has committed any act that would be grounds for disciplinary
19 action against a licensed chiropractor. ~~Such~~ THE applicant shall be examined by the board
20 or the board's designee in the subjects outlined in section ~~12-33-111~~ **12-215-106** to
21 determine the applicant's qualifications to practice chiropractic. A license shall be granted
22 to all applicants who on ~~such~~ THE examination are found qualified by attaining a passing
23 grade on the examinations adopted by the board. Qualification in that portion of the
24 examination relating to the basic sciences shall be established by the applicant submitting
25 proof satisfactory to the board of successfully passing the examination in the basic sciences
26 given by the National Board of Chiropractic Examiners. The board may adopt the practical
27 examination developed and administered by the National Board of Chiropractic Examiners
28 as the practical portion of the examination. If the board adopts ~~such~~ THE practical
29 examination developed and administered by the National Board of Chiropractic Examiners,
30 qualification in the practical portion of the examination shall be established by the applicant
31 submitting proof satisfactory to the board of successfully passing the practical examination
32 given by the National Board of Chiropractic Examiners, and the passing score for ~~such~~ THE
33 practical examination shall be as set by the National Board of Chiropractic Examiners. Any
34 chiropractic applicant who desires to practice electrotherapy shall present evidence that he
35 or she has successfully completed a course of not less than one hundred twenty classroom
36 hours in this subject at a school approved by the board or under the instruction of an
37 approved provider.
38

39 **~~12-33-112.5 Temporary licensure. (Repealed)~~**

1 **12-215-109. [Formerly 12-33-113] Licensure by endorsement.** (1) Upon
2 application for a license to practice chiropractic in this state, accompanied by the required
3 fee, the board shall issue ~~such~~ A license to any person who furnishes, upon ~~such~~ THE form
4 and in ~~such~~ THE manner as the board prescribes, evidence satisfactory to the board that:

5 (a) The applicant is licensed to practice chiropractic in another state, a territory of the
6 United States, the District of Columbia, the commonwealth of Puerto Rico, or a province of
7 Canada; and

8 (b) At the time of application under this section, the applicant possesses credentials
9 and qualifications that are, in the judgment of the board, equivalent to this state's
10 requirements for licensure by examination; and

11 (c) (I) The applicant has been engaged in the full-time practice of chiropractic, or has
12 taught general clinical chiropractic subjects at an accredited school of chiropractic, as set
13 forth in section ~~12-33-111(1)(a)~~ **12-215-106 (1)**, in one of the jurisdictions referred to in
14 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION for at least three of
15 the five years immediately preceding the date of the receipt of the application; or

16 (II) The applicant has demonstrated competency as a chiropractor as determined by
17 the board; and

18 (d) The applicant has not been convicted of a crime that would be grounds for the
19 refusal, suspension, or revocation of a license to practice chiropractic in this state if
20 committed in this state; and

21 (e) The applicant's license to practice chiropractic is in good standing.

22
23 **12-215-110. [Formerly 12-33-114] Renewal of license.** (1) ~~Licenses shall be
24 renewed or reinstated pursuant to a schedule established by the director of the division of
25 professions and occupations within the department of regulatory agencies and shall be
26 renewed or reinstated pursuant to section 24-34-102 (8). C.R.S. The director of the division
27 of professions and occupations within the department of regulatory agencies may establish
28 renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105. C.R.S.
29 If a person fails to renew his or her license pursuant to the schedule established by the
30 director of the division of professions and occupations, such license shall expire ARE
31 SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE
32 PROVISIONS OF SECTION 12-20-202 (1) AND (2). Any person whose license has expired shall
33 be subject to the penalties provided in this article 215 or section 24-34-102 (8). C.R.S.
34 **12-20-202 (1).**~~

35 ~~(1.2) (Deleted by amendment, L. 2004, p. 1824, § 64, effective August 4, 2004.)~~

36 ~~(1.3) (2) A renewal fee paid pursuant to subsection (1) of this section SECTION~~
37 **12-20-202 (1) shall not be refunded.**

38 ~~(2) (Deleted by amendment, L. 2004, p. 1824, § 64, effective August 4, 2004.)~~

39 <{***Redundant with renewal/reinstatement common provision, 12-20-202. Recommend***

1 amending as indicated.>

2
3 **12-215-111. [Formerly 12-33-114.5] Change of address - reporting required.**

4 Each person licensed under this article **215**, upon changing his or her address, shall inform
5 the board of ~~their~~ THE new address within thirty days after ~~such~~ THE change. The address
6 change shall be reflected on the next license or renewal certificate issued to the licensee.
7

8 **12-215-112. [Formerly 12-33-115] Persons licensed under previous laws.** Any

9 person holding a valid license to practice chiropractic in Colorado on or after May 18, 1959,
10 shall be licensed under the provisions of this article **215** without further application by ~~said~~
11 THE person.
12

13 **12-215-113. [Formerly 12-33-116] Continuing education.** It is hereby expressly

14 declared to be the purpose of this section to provide for an increase in the annual scientific
15 educational requirements of licensed Colorado chiropractors. Each licensed Colorado
16 chiropractor in active practice within the state of Colorado shall be required annually to
17 attend not less than fifteen hours of scientific clinics, forums, or chiropractic educational
18 study consisting of subjects basic to the field of the healing arts as set forth in section
19 ~~12-33-111~~ **12-215-106**. Each year at the time of its regular June meeting, the board shall
20 prepare an educational schedule of minimum postgraduate requirements of subjects as set
21 forth in section ~~12-33-111~~ **12-215-106** that shall be met by any school, clinic, forum, or
22 convention giving ~~such~~ THE educational work, and ~~such~~ THE minimum standards must be
23 complied with by ~~such~~ THE school, clinic, forum, or convention before the board issues a
24 postgraduate attendance certificate. Credit hours shall be determined by the board.
25 Applicants shall apply to the board prior to or after the course and present proof of
26 attendance and synopsis of the course content for approval of credit hours. This provision
27 is made mandatory in the best interest of public health and welfare and to provide progress
28 in the field of chiropractic. If any licensed chiropractor is unable to comply with this section
29 on account of dire emergency and for good cause shown, the board may waive the
30 provisions of this section.
31

32 **12-215-114. [Formerly 12-33-116.5] Professional liability insurance required.**

33 (1) (a) It is unlawful for any person to practice chiropractic within this state unless the
34 person purchases and maintains professional liability insurance in an amount not less than
35 three hundred thousand dollars per claim with an aggregate liability limit for all claims
36 during the year of one million dollars.

37 (b) Professional liability insurance required by this section shall cover all acts within
38 the scope of practice as defined by section ~~12-33-102~~ **12-215-103**. Professional liability
39 coverage shall cover acupuncture and electrotherapy only if the licensee is authorized to

1 perform these acts.

2 (2) Notwithstanding subsection (1) of this section, the board may by rule exempt or
3 establish lesser liability insurance requirements for any class of licensee ~~which~~ THAT:

4 (a) Practices chiropractic as employees of the United States government;

5 (b) Renders limited or occasional chiropractic services;

6 (c) Performs less than full-time active chiropractic services because of administrative
7 or other nonclinical duties of partial or complete retirement;

8 (d) Provides uncompensated chiropractic care to patients but does not otherwise
9 provide compensated chiropractic care to patients; or

10 (e) Practices chiropractic in ~~such~~ a manner that renders the amounts provided in
11 subsection (1) of this section unreasonable or unattainable.

12

13 **12-215-115. [Formerly 12-33-117] Discipline of licensees - letters of admonition,
14 suspension, revocation, denial, and probation - grounds.** (1) Upon any of the following
15 grounds, the board may issue a letter of admonition to a licensee or may revoke, suspend,
16 deny, refuse to renew, TAKE DISCIPLINARY OR OTHER ACTION AS SPECIFIED IN SECTION
17 12-20-404 or impose conditions on ~~such~~ A licensee's license: <{*Redundant with
18 disciplinary authority common provisions, 12-20-404. Recommend amending as
19 indicated.*}>

20 (a) Using fraud, misrepresentation, or deceit in applying for, securing, renewing, or
21 seeking reinstatement of a license or in taking an examination provided for in this article
22 **215**;

23 (b) An act or omission that constitutes negligent chiropractic practice or fails to meet
24 generally accepted standards of chiropractic practice;

25 (c) Conviction of a felony or any crime that would constitute a violation of this
26 article **215**. For purposes of this subsection (1), "conviction" includes the acceptance of a
27 guilty plea or a plea of nolo contendere or the imposition of a deferred sentence.

28 (d) A substance use disorder, as defined in section 27-82-102, or excessive use by
29 the licensee of a controlled substance, as defined in section 18-18-102 (5), or a
30 habit-forming drug;

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

33 (f) Disobedience to a lawful rule or order of the board;

34 (g) Persisting in maintaining an unsanitary office or practicing under unsanitary
35 conditions after warning from the board;

36 ~~(h) Repeated.~~

37 ~~(i)~~ (h) False or misleading advertising;

38 ~~(j)~~ (i) Failure to report malpractice judgments or settlements within sixty days;

39 ~~(k)~~ (j) Violation of abuse of health insurance pursuant to section 18-13-119 C.R.S.;

1 or commission of a fraudulent insurance act, as defined in section 10-1-128; ~~C.R.S.~~;

2 (k) Treating a patient by colonic irrigation or allowing colonic irrigation to be
3 performed at the licensee's premises;

4 (l) Practicing with a suspended or expired license;

5 (m) Willfully deceiving or attempting to deceive the board of examiners or their
6 ITS agents with reference to any matter under investigation by the board;

7 (n) Practicing under an assumed name;

8 (o) Unethical advertising, as defined in subsection (4) of this section, or
9 advertising through any medium that the licensee will perform an act prohibited by section
10 18-13-119 (3); ~~C.R.S.~~;

11 (p) Violating this article **215** or aiding any person to violate this article **215**;

12 (q) Knowingly practicing in the employment of or in association with any person
13 who is practicing in an unlawful or unprofessional manner;

14 (r) Offering, giving, or receiving commissions, rebates, or other forms of
15 remuneration for the referral of clients; except that a licensee may compensate an
16 independent advisory or marketing agent for advertising or marketing services, which
17 services may include the referral of patients identified through such THE services, and a
18 licensee may give an incidental gift to a patient in appreciation for a referral;

19 (s) Conducting any enterprise other than the regular practice of chiropractic
20 whereby the holder's license is used as a means of attracting patients or attaining prestige or
21 patronage in the conduct of such THE enterprise;

22 (t) Permitting the practice of chiropractic, the holding out of such THE practice,
23 or the maintenance of an office for such THE PRACTICE by an unlicensed person in
24 association with himself or herself;

25 (u) Engaging in any of the following activities and practices: Willful and repeated
26 ordering or performance, without clinical justification, of demonstrably unnecessary
27 laboratory tests or studies; the administration, without clinical justification, of treatment
28 which THAT is demonstrably unnecessary; the failure to obtain consultations or perform
29 referrals when failing to do so is not consistent with the standard of care for the profession;
30 or ordering or performing, without clinical justification, any service, X ray, or treatment
31 which THAT is contrary to recognized standards of the practice of chiropractic as interpreted
32 by the board;

33 (v) Falsifying or making incorrect essential entries or failing to make essential
34 entries on patient records;

35 (w) Violating section 8-42-101 (3.6); ~~C.R.S.~~;

36 (x) Violating section ~~12-33-202~~ **12-215-202** or any rule adopted pursuant to said
37 THAT section;

38 (y) Failing to report to the board the surrender of a license to, or adverse action
39 taken against a license by, a licensing agency in another state, territory, or country, a

1 governmental agency, a law enforcement agency, or a court for acts or conduct that would
2 constitute grounds for discipline pursuant to this article **215**;

3 ~~(aa)~~ (z) Engaging in a sexual act with a patient during the course of ~~such~~ THE
4 patient's care or within six months immediately following the termination of the
5 chiropractor's professional relationship with the patient. "Sexual act", as used in this
6 ~~paragraph~~ ~~(aa)~~ SUBSECTION (1)(z), means sexual contact, sexual intrusion, or sexual
7 penetration, as defined in section 18-3-401. ~~C.R.S.~~

8 ~~(bb)~~ (aa) Abandoning a patient by any means, including, but not limited to, failing
9 to provide a referral to another chiropractor or other appropriate health care practitioner
10 when ~~such~~ THE referral was necessary to meet generally accepted standards of chiropractic
11 care;

12 ~~(cc)~~ (bb) Failing to provide adequate or proper supervision when employing
13 unlicensed persons in a chiropractic practice;

14 ~~(dd)~~ (cc) Having a physical or mental disability that makes him or her unable to
15 render chiropractic services with reasonable skill and safety;

16 ~~(ee)~~ (dd) Performing a procedure in the course of patient care that is beyond the
17 chiropractor's training or competence or the scope of authorized chiropractic services under
18 this article **215**;

19 ~~(ff)~~ (ee) Failing to respond to a board-generated complaint letter.

20 ~~(1.5)~~ (2) In addition to any other penalty that may be imposed pursuant to this
21 section, a chiropractor violating any provision of this article **215** or any rule promulgated
22 pursuant to this article **215** **OR SECTION 12-20-204** may be fined no less than one thousand
23 dollars for a first violation proven by the board, up to three thousand dollars for a second
24 violation proven by the board, and up to five thousand dollars for a third or subsequent
25 violation proven by the board. The board shall establish guidelines for the imposition of
26 ~~such~~ THE fines. **All fines collected pursuant to this subsection (1.5) shall be transferred to**
27 **the state treasurer, who shall credit such moneys to the general fund.** <{**Recommend striking**
28 **last sentence as redundant with disposition of fines common provision, 12-20-404 (6).**}>
29 <{**Also recommend adding reference to general rule-making authority common**
30 **provision, 12-20-204, since recommend repealing the corresponding general language**
31 **in 12-215-105 (1), above.**}>

32 ~~(2)~~ (3) Disciplinary action taken against a licensee's ability to practice in another state
33 or country shall be prima facie evidence of a violation of this article **215** and shall constitute
34 grounds for discipline if the acts giving rise to ~~such~~ THE disciplinary action would violate
35 this article **215** if committed in this state.

36 ~~(2.5)~~ **When a complaint or investigation discloses an instance of conduct that does**
37 **not warrant formal action by the board and, in the opinion of the board, the complaint should**
38 **be dismissed, but the board has noticed indications of possible errant conduct by the licensee**
39 **that could lead to serious consequences if not corrected, a confidential letter of concern may**

1 ~~be issued and sent to the licensee.~~ <{Redundant with confidential letter of concern
2 common provisions, 12-20-404 (5). Recommend repealing.}>

3 (3)(a) (4) For purposes of this section, the term "unethical advertising" shall include,
4 but not be limited to, advertising, through newspapers, magazines, circulars, direct mail,
5 directories, radio, television, or otherwise, ~~which~~ THAT:

6 (I) (a) Contains false or misleading statements;

7 (II) (b) Holds out or promises cures or guarantees results; OR

8 (III) (c) Contains claims ~~which~~ THAT cannot be substantiated by standard laboratory
9 or diagnostic procedures.

10 (IV) and (V) Repealed:

11 (b) Repealed:

12 (4) (5) Any doctor of chiropractic proven to be incompetent or negligent may be
13 required to take an examination, given by the board, in the subjects outlined in section
14 ~~12-33-111~~ **12-215-106**. In addition, the board may order the doctor of chiropractic to take
15 such therapy or courses of training or education as may be needed to correct deficiencies
16 found in the hearing.

17 (5) (6) In the event any person holding a license to practice chiropractic in this state
18 is determined to be mentally incompetent or insane by a court of competent jurisdiction and
19 a court enters, pursuant to part 3 or 4 of article 14 of title 15 or section 27-65-109 (4) or
20 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental incompetency or insanity is
21 of such a degree that the person holding a license is incapable of continuing to practice
22 chiropractic, his or her license shall automatically be suspended by the board, and, anything
23 in this article **215** to the contrary notwithstanding, ~~such~~ THE suspension shall continue until
24 the ~~licentiate~~ LICENSEE is found by ~~such~~ THE court to be competent to practice chiropractic.
25

26 **12-215-116. [Formerly 12-33-117.5] Mental and physical examination of**
27 **licensees.** (1) (a) ~~If the board has reasonable cause to believe a licensee is unable to practice~~
28 ~~with reasonable skill and safety~~ **UNDER THE CIRCUMSTANCES AND IN ACCORDANCE WITH THE**
29 **PROCEDURES SPECIFIED IN SECTION 12-30-108, THE BOARD** may require ~~such~~ A licensee to
30 take a mental or physical examination given by a physician or other qualified provider
31 designated by the board. <{Recommend amending as indicated to strike redundant
32 language and add reference to mental/physical exams common provision, 12-30-108.}>

33 (b) ~~If the licensee refuses to undergo such examination or to release all medical~~
34 ~~records necessary to determine his or her ability to practice safely, unless such~~ THE refusal
35 ~~or failure is due to circumstances beyond the licensee's control, the board may suspend such~~
36 ~~THE licensee's license until the results of such examination are known and the board has~~
37 ~~made a determination of the licensee's fitness to practice.~~ **The board shall proceed with an**
38 **order for examination and make its determination in a timely manner.**

39 <{The unhighlighted portion of paragraph (b) is consistent with the mental/physical

1 exams common provision, 12-30-108 (1)(b). However, the highlighted portion differs
 2 from the common provision in that it allows the board to maintain the license suspension
 3 until the exam results are known and the director has determined the licensee's fitness to
 4 practice. The common provision refers to suspending the license "until the required
 5 examinations are conducted." So the criteria in this practice act for lifting the suspension
 6 differ from the criteria in the common provision. Is this a substantive difference in how
 7 this provision is applied? Additionally, the last sentence about timely making a
 8 determination does not appear in the common provision. We assume that this unique
 9 provision should be retained as is rather than defaulting to the common provision.
 10 Thoughts? }

11 (2) An order for examination issued by the board pursuant to subsection (1) of this
 12 section shall include the board's reasons for believing the licensee is unable to practice with
 13 reasonable skill and safety. <{Redundant with mental/physical exams common provision,
 14 12-30-108 (1)(c). Recommend repealing.}>

15 (3) For purposes of any disciplinary proceeding authorized under this article, a
 16 licensee shall be deemed to have waived all objections to the admissibility of an examining
 17 physician's testimony and examination reports on the basis of privilege. <{Redundant with
 18 mental/physical exams common provision, 12-30-108 (2), second sentence. Recommend
 19 repealing.}>

20 <{Note that the common provision, 12-30-108 (2) 1st sentence, also contains the
 21 following language that does NOT appear in this section: "Every nurse LICENSEE,
 22 CERTIFICATE HOLDER, OR REGISTRANT AUTHORIZED TO PRACTICE A HEALTH CARE
 23 PROFESSION REGULATED BY A PART OR ARTICLE OF THIS TITLE 12 shall be deemed, by so
 24 practicing or by applying for renewal registration of such nurse's THE license,
 25 CERTIFICATE, OR REGISTRATION, to have consented to submit to mental or physical
 26 examinations when directed in writing by the board APPLICABLE REGULATOR." Should
 27 this provision be specifically excluded from applicability to chiropractors since it does not
 28 appear in the mental/physical exams provision in the chiropractors practice act? }>

29
 30 <{Note that the common provision, 12-30-108 (2) 3rd sentence, also contains the
 31 following language that does NOT appear in this section: "Subject to applicable federal
 32 law, such nurse THE LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT shall be deemed to
 33 have waived all objections to the production of medical records to the board REGULATOR
 34 from health care providers that may be necessary for the evaluations EXAMINATIONS
 35 described in paragraph (a) of this subsection (8) . . . SUBSECTION (1)(a) OF THIS SECTION."
 36 Should this provision be specifically excluded from applicability to chiropractors since it
 37 does not appear in the mental/physical exams provision in the chiropractors practice
 38 act? }>

39 (4) (2) A licensee may submit to the board testimony and examination reports

1 received from a physician chosen by the licensee, if such testimony and reports pertain to
2 a condition that the board has alleged may preclude the licensee from practicing with
3 reasonable skill and safety. <{*Stricken from mental/physical exams common provision,*
4 *12-30-108 (2), so recommend retaining this provision.*}>

5 ~~(5) The results of a mental or physical examination ordered by the board shall not be~~
6 ~~used as evidence in any proceeding other than one held before the board and shall not be a~~
7 ~~public record nor made available to the public.~~ <{*Redundant with mental and physical*
8 *examination common provision, section 12-30-108 (3). Recommend repealing.*}>

9
10 <{*Need to consider, for the above mental/physical exams provision, if it is so unique that*
11 *is warrants complete exclusion from common provision, 12-30-108, and retention of the*
12 *existing language in 12-33-117.5.*}>

13
14 **12-215-117. [Formerly 12-33-118] Use of title.** A license to practice chiropractic
15 entitles the holder to use the title "Doctor" or "Dr." when accompanied by the word
16 "Chiropractor" or the letters "D.C.", and to use the title of "Doctor of Chiropractic". ~~Such~~
17 THE license shall not confer upon the licensee the right to practice surgery or obstetrics, ~~or~~
18 to prescribe, compound, or administer drugs, or to administer anesthetics. Nothing in this
19 article **215** shall be construed to prohibit or to require a license for bona fide chiropractic
20 students or interns in attendance upon a regular course of instruction in a lawfully operated
21 chiropractic school or hospital with respect to performing chiropractic services within ~~such~~
22 THE school or hospital while under the direct supervision of a licensed chiropractor.

23
24 **12-215-118. [Formerly 12-33-119] Disciplinary proceedings.** (1) The board,
25 through the department of regulatory agencies, may employ administrative law judges, on
26 a full-time or part-time basis, to conduct hearings as provided by this article **215** or on any
27 matter within the board's jurisdiction upon such conditions and terms as the board may
28 determine.

29 (2) A proceeding for the discipline of a licensee may be commenced when the board
30 has reasonable grounds to believe that a licensee under the board's jurisdiction has
31 committed an act that may violate section ~~12-33-117~~ **12-215-115**.

32 ~~(3) The attendance of witnesses and the production of books, patient records, papers,~~
33 ~~and other pertinent documents at the hearing may be summoned by subpoenas issued by the~~
34 ~~board, which shall be served in the manner provided by the Colorado rules of civil procedure~~
35 ~~for service of subpoenas.~~ <{*Somewhat redundant with disciplinary procedures/subpoena*
36 *powers common provision, 12-20-403 (2)(a). OK to strike?*}>

37 (3.5) (Deleted by amendment, L. 2004, p. 1825, § 65, effective August 4, 2004.)

38 (4) (3) Disciplinary proceedings and hearings shall be conducted in the manner
39 prescribed by ~~SECTION 12-20-403 AND~~ article 4 of title 24. C.R.S. <{*Recommend adding*

1 reference to *disciplinary procedures common provision, 12-20-403.*>

2 (5) (4) A previously issued license to engage in the practice of chiropractic shall not
3 be revoked or suspended until after a hearing conducted pursuant to section 24-4-105,
4 C.R.S., except in the case of a deliberate and willful violation of this article 215 or if the
5 public health, safety, and welfare require emergency action under section 24-4-104 (4).
6 C.R.S. The denial of an application to renew an existing license shall be treated in all
7 respects as a revocation. If an application for a new license is denied, the applicant, within
8 sixty days after the giving of notice of such action, may request a hearing as provided in
9 section 24-4-105. C.R.S.

10 (6) Repealed:

11 (7) (5) (a) WHEN the board or an administrative law judge shall have the power to
12 administer oaths, take affirmations of witnesses, and issue ISSUES subpoenas IN
13 ACCORDANCE WITH SECTION 12-20-403 (2) to compel the attendance of witnesses and the
14 production of all relevant papers, books, records, documentary evidence, and materials, in
15 any hearing, investigation, accusation, or other matter coming before the board. The board
16 may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S.,
17 to take evidence and to make findings and report them to the board: the person providing
18 such THE copies shall prepare them from the original record and shall delete from the copy
19 provided pursuant to the subpoena the name of the patient, but he or she shall identify the
20 patient by a numbered code, to be retained by the custodian of the records from which the
21 copies were made. <{Partially redundant with *disciplinary procedures/subpoena powers*
22 and appointment of ALJ common provision, 12-20-403 (2)(a) & (3). Recommend
23 amending as indicated.}>

24 (b) Upon certification of the custodian that the copies are true and complete except
25 for the patient's name, they shall be deemed authentic, subject to the right to subpoena the
26 originals for the limited purpose of ascertaining the accuracy of the copies. The originals
27 shall remain confidential and be returned to the custodian as soon as the accuracy of the
28 copy is ascertained or as soon as the case is concluded if the original is needed as evidence
29 of falsification. No privilege of confidentiality shall exist with respect to such THE copies,
30 and no liability shall lie against the board or the custodian for furnishing or using such THE
31 copies in accordance with this subsection (7) (5).

32 (c) Upon failure of any witness to comply with such subpoena or process, the district
33 court of the county in which the subpoenaed person or licensee resides or conducts business,
34 upon application by the board or director with notice to the subpoenaed person or licensee,
35 may issue to the person or licensee an order requiring that person or licensee to appear
36 before the board or director; to produce the relevant papers, books, records, documentary
37 evidence, or materials if so ordered; or to give evidence touching the matter under
38 investigation or in question. Failure to obey the order of the court may be punished by the
39 court as a contempt of court. <{Redundant with *disciplinary procedures/subpoena powers*

1 *common provision, 12-20-403 (2)(b). Recommend repealing.* }>

2 ~~(8) (6) If a licensee has committed an act which THAT violates section 12-33-117~~
3 ~~12-215-115, the board shall withhold, revoke, or suspend an existing license, issue a letter~~
4 ~~of admonition, or grant probation on terms and conditions set by the board, TAKE~~
5 ~~DISCIPLINARY OR OTHER ACTION AS SPECIFIED IN SECTION 12-20-404 or otherwise discipline~~
6 ~~a licensee as provided for in this article 215. A revoked or suspended license may thereafter~~
7 ~~be reissued by the board. The board may dismiss or terminate probation prior to the~~
8 ~~completion of the probationary period. <{Redundant with disciplinary action common~~
9 ~~provision, 12-20-404. Recommend amending as indicated.}>~~

10 ~~(9) (a) When a complaint or an investigation discloses an instance of misconduct~~
11 ~~that, in the opinion of the board, does not warrant formal action by the board but that should~~
12 ~~not be dismissed as being without merit, a letter of admonition may be sent by certified mail~~
13 ~~to the chiropractor against whom the complaint was made and a copy also sent to the person~~
14 ~~making the complaint. When a letter of admonition is sent by certified mail by the board to~~
15 ~~a chiropractor complained against, such chiropractor shall be advised that he or she has the~~
16 ~~right to request in writing, within twenty days after receipt of the letter, that formal~~
17 ~~disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which~~
18 ~~the letter of admonition is based. If such request is timely made, the letter of admonition~~
19 ~~shall be deemed vacated, and the matter shall be processed by means of formal disciplinary~~
20 ~~proceedings. <{Redundant with letters of admonition common provision, 12-2-404 (4).~~
21 ~~Recommend repealing.}>~~

22 ~~(b) When a complaint or an investigation discloses an instance of misconduct that,~~
23 ~~in the opinion of the board, warrants formal action, the complaint shall not be resolved by~~
24 ~~a deferred settlement, action, judgment, or prosecution. <{Redundant with disciplinary~~
25 ~~actions/no deferment common provision, 12-20-404 (2). Recommend repealing.}>~~

26 ~~(10) (7) Notwithstanding other laws to the contrary, investigations, examinations,~~
27 ~~meetings, and other proceedings of the board conducted pursuant to this section are not~~
28 ~~required to be conducted publically PUBLICLY, and minutes of the board need not be open~~
29 ~~to public inspection; except that final action of the board taken pursuant to this section shall~~
30 ~~be open to the public.~~

31
32 **12-215-119. [Formerly 12-33-119.1] Professional review committee - immunity.**

33 (1) If a professional review committee is established pursuant to this section to investigate
34 the quality of care, including utilization review, being given by a person licensed pursuant
35 to this article 215, it shall include in its membership at least three persons licensed under this
36 article 215, but such committee may be authorized to act only by:

37 (a) The board; or

38 (b) A society or an association of persons licensed pursuant to this article 215 whose
39 membership includes not less than one-third of the persons licensed pursuant to this article

1 **215** residing in this state if the licensee whose services are the subject of review is a member
2 of such society or association.

3 (2) ~~IN ADDITION TO THE PERSONS SPECIFIED IN SECTION 12-20-402, any member of~~
4 ~~the board or A professional review committee, the board's or professional review committee's~~
5 ~~staff, AND any person acting as a witness or consultant to the board or committee any witness~~
6 ~~testifying in a proceeding authorized under this article, and any person who lodges a~~
7 ~~complaint pursuant to this article shall be immune from liability in any civil action brought~~
8 ~~against him or her for acts occurring while acting in his or her capacity as board or~~
9 ~~professional review committee member, staff, consultant, or witness, respectively, if such~~
10 ~~individual was acting in good faith within the scope of his or her respective capacity, made~~
11 ~~a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in~~
12 ~~the reasonable belief that the action taken by him or her was warranted by the facts. Any~~
13 ~~person participating in good faith in lodging a complaint or participating in any investigative~~
14 ~~or administrative proceeding pursuant to this article shall be immune from any civil or~~
15 ~~criminal liability that may result from such participation~~ IS GRANTED THE SAME IMMUNITY,
16 AND IS SUBJECT TO THE SAME CONDITIONS FOR IMMUNITY, AS SPECIFIED IN SECTION
17 12-20-402. <{*Somewhat redundant with immunity common provision, section 12-20-402.*
18 *Recommend amending as indicated.*>

19
20 **12-215-120. [Formerly 12-33-119.2] Cease-and-desist orders.** (1)(a) If it appears
21 to the board, based upon credible evidence as presented in a written complaint by any
22 person, that a licensee is acting in a manner that is an imminent threat to the health and
23 safety of the public or a person is acting or has acted without the required license, the board
24 may issue an order to cease and desist such activity. The order shall set forth the statutes and
25 rules alleged to have been violated, the facts alleged to have constituted the violation, and
26 the requirement that all unlawful acts or unlicensed practices immediately cease.

27 (b) ~~Within ten days after service of the order to cease and desist pursuant to~~
28 ~~paragraph (a) of this subsection (1), the respondent may request a hearing on the question~~
29 ~~of whether acts or practices in violation of this part 1 have occurred. Such hearing shall be~~
30 ~~conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.~~

31 (2) (a) If it appears to the board, based upon credible evidence as presented in a
32 written complaint by any person, that a person has violated any other portion of this part 1,
33 then, in addition to any specific powers granted pursuant to this part 1, the board may issue
34 to such person an order to show cause as to why the board should not issue a final order
35 directing such person to cease and desist from the unlawful act or unlicensed practice.

36 (b) A person against whom an order to show cause has been issued pursuant to
37 paragraph (a) of this subsection (2) shall be promptly notified by the board of the issuance
38 of the order, along with a copy of the order, the factual and legal basis for the order, and the
39 date set by the board for a hearing on the order. Such notice may be served by personal

1 service, by first-class United States mail, postage prepaid, or as may be practicable upon any
2 person against whom such order is issued. Personal service or mailing of an order or
3 document pursuant to this subsection (2) shall constitute notice thereof to the person.

4 (c) (I) The hearing on an order to show cause shall be commenced no sooner than
5 ten and no later than forty-five calendar days after the date of transmission or service of the
6 notification by the board as provided in paragraph (b) of this subsection (2). The hearing
7 may be continued by agreement of all parties based upon the complexity of the matter,
8 number of parties to the matter, and legal issues presented in the matter, but in no event shall
9 the hearing commence later than sixty calendar days after the date of transmission or service
10 of the notification.

11 (II) If a person against whom an order to show cause has been issued pursuant to
12 paragraph (a) of this subsection (2) does not appear at the hearing, the board may present
13 evidence that notification was properly sent or served upon such person pursuant to
14 paragraph (b) of this subsection (2) and such other evidence related to the matter as the
15 board deems appropriate. The board shall issue the order within ten days after the board's
16 determination related to reasonable attempts to notify the respondent, and the order shall
17 become final as to that person by operation of law. Such hearing shall be conducted pursuant
18 to sections 24-4-104 and 24-4-105, C.R.S.

19 (III) If the board reasonably finds that the person against whom the order to show
20 cause was issued is acting or has acted without the required license or has or is about to
21 engage in acts or practices constituting violations of this part 1, a final cease-and-desist order
22 may be issued directing such person to cease and desist from further unlawful acts or
23 unlicensed practices.

24 (IV) The board shall provide notice, in the manner set forth in paragraph (b) of this
25 subsection (2), of the final cease-and-desist order within ten calendar days after the hearing
26 conducted pursuant to this paragraph (c) to each person against whom the final order has
27 been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) shall
28 be effective when issued and shall be a final order for purposes of judicial review.

29 (3) If it appears to the board, based upon credible evidence presented to the board,
30 that a person has engaged in or is about to engage in any unlicensed act or practice, any act
31 or practice constituting a violation of this part 1, any rule promulgated pursuant to this part
32 1, any order issued pursuant to this part 1, or any act or practice constituting grounds for
33 administrative sanction pursuant to this part 1, the board may enter into a stipulation with
34 such person.

35 (4) If any person fails to comply with a final cease-and-desist order or a stipulation,
36 the board may request the attorney general or the district attorney for the judicial district in
37 which the alleged violation exists to bring, and if so requested such attorney shall bring, suit
38 for a temporary restraining order and for injunctive relief to prevent any further or continued
39 violation of the final order. <{Subsections (1) through (4) redundant with cease-and-desist

1 orders common provision, 12-20-405. Recommend repeal subsections (1) to (4) and
 2 replacing with cross-reference to cease-and-desist orders common provisions, below.}>

3 (5) A person aggrieved by the final cease-and-desist order may seek judicial review
 4 of the board's determination or of the board's final order as provided in section 12-33-121.
 5 <{Subsection (5) redundant with judicial review common provision, 12-20-408.
 6 Recommend repealing.}>

7 THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES AND
 8 IN ACCORDANCE THE PROCEDURES SPECIFIED IN SECTION 12-20-405.
 9

10 **12-215-121. [Formerly 12-33-120] Unauthorized practice - penalties -**
 11 **exemption.** (1) Except as specified in subsection (2) or (3) of this section, any person who
 12 practices or offers or attempts to practice chiropractic without an active license issued under
 13 this article commits a class 2 misdemeanor and shall be punished as provided in section
 14 18-1.3-501 C.R.S., for the first offense, and, for the second or any subsequent offense, the
 15 person commits a class 6 felony and shall be punished as provided in section 18-1.3-401.
 16 C.R.S. 215 IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a). <{Redundant
 17 with unauthorized practice common provision, 12-20-407. Recommend amending as
 18 indicated.}>

19 (2) A chiropractor who lawfully practices chiropractic in another state or territory
 20 and whose license is in good standing in such THE other state or territory may practice
 21 chiropractic in this state for the limited purpose of treating members, coaches, and staff of
 22 a visiting sports team while in Colorado without having a license issued pursuant to this
 23 article 215. An unlicensed chiropractor practicing pursuant to this subsection (2) shall not:

- 24 (a) Practice in Colorado more than ten days in a twelve-month period;
- 25 (b) Enter Colorado to practice more than three times in a twelve-month period; or
- 26 (c) Hold himself or herself out as a chiropractor to or practice chiropractic with
- 27 members of the general public.

28 (3) A chiropractor who lawfully practices chiropractic in another state or territory
 29 may provide chiropractic services to athletes or team personnel registered to train at the
 30 United States Olympic training center in Colorado Springs or to provide chiropractic
 31 services at an event in this state sanctioned by the United States Olympic committee. The
 32 chiropractor's services shall be contingent upon the requirements and approvals of the
 33 United States Olympic committee and shall not exceed ninety days per calendar year.
 34

35 **12-215-122. [Formerly 12-33-121] Judicial review.** The court of appeals shall
 36 have initial jurisdiction to SECTION 12-20-408 GOVERNS JUDICIAL review all final actions
 37 and orders OF THE BOARD that are subject to judicial review. of the board. Such proceeding
 38 shall be conducted in accordance with section 24-4-106 (11). C.R.S. <{Redundant with
 39 judicial review common provision, 12-20-408. Recommend amending as indicated.}>

1 **12-215-123. [Formerly 12-33-122] Duty of district attorneys - duty of**
2 **department of regulatory agencies.** It is the duty of the several district attorneys of this
3 state to prosecute all persons charged with the violation of any of the provisions of this
4 article **215**. It is the duty of the secretary-treasurer of the board, under the direction of the
5 board, to aid said attorneys in the enforcement of this article **215**. It is the duty of the
6 attorney general to advise the board upon all legal matters and to represent the board in all
7 actions brought by or against it. It is the duty of the department of regulatory agencies to
8 forward to the board a copy of any correspondence concerning the professional conduct or
9 competence of any licensed chiropractor ~~which~~ THAT the department either transmits or
10 receives.

11
12 ~~**12-33-123. Application of article. (Repealed)**~~

13
14 **12-215-124. [Formerly 12-33-124] Professional service corporations, limited**
15 **liability companies, and registered limited liability partnerships for the practice of**
16 **chiropractic - definitions.** (1) Persons licensed to practice chiropractic by the board may
17 form professional service corporations for the practice of chiropractic under the "Colorado
18 Corporation Code", if ~~such~~ THE corporations are organized and operated in accordance with
19 the provisions of this section. The articles of incorporation of ~~such~~ THE corporations shall
20 contain provisions complying with the following requirements:

21 (a) The name of the corporation shall contain the words "professional company" or
22 "professional corporation" or abbreviations thereof.

23 (b) The corporation shall be organized solely for the purposes of conducting the
24 practice of chiropractic only through persons licensed by the board to practice chiropractic
25 in the state of Colorado.

26 (c) The corporation may exercise the powers and privileges conferred upon
27 corporations by the laws of Colorado only in furtherance of and subject to its corporate
28 purpose.

29 (d) All shareholders of the corporation shall be persons licensed by the board to
30 practice chiropractic in the state of Colorado, and who at all times own their shares in their
31 own right. They shall be individuals who, except for illness, accident, time spent in the
32 armed services, on vacations, and on leaves of absence not to exceed one year, are actively
33 engaged in the practice of chiropractic in the offices of the corporation.

34 (e) Provisions shall be made requiring any shareholder who ceases to be or for any
35 reason is ineligible to be a shareholder to dispose of all his OR HER shares forthwith, either
36 to the corporation or to any person having the qualifications described in ~~paragraph (d) of~~
37 ~~this subsection (1)~~ SUBSECTION (1)(d) OF THIS SECTION.

38 (f) The president shall be a shareholder and a director, and to the extent possible, all
39 other directors and officers shall be persons having the qualifications described in ~~paragraph~~

1 ~~(d) of this subsection~~ (1) SUBSECTION (1)(d) OF THIS SECTION. Lay directors and officers
2 shall not exercise any authority whatsoever over professional matters.

3 (g) The articles of incorporation shall provide, and all shareholders of the corporation
4 shall agree, that all shareholders of the corporation shall be jointly and severally liable for
5 all acts, errors, and omissions of the employees of the corporation, or that all shareholders
6 of the corporation shall be jointly and severally liable for all acts, errors, and omissions of
7 the employees of the corporation except during periods of time when the corporation
8 maintains in good standing professional liability insurance ~~which~~ THAT shall meet the
9 following minimum standards:

10 (I) The insurance shall insure the corporation against liability imposed upon the
11 corporation by law for damages resulting from any claim made against the corporation
12 arising out of the performance of professional services for others by those officers and
13 employees of the corporation who are licensed by the board to practice chiropractic.

14 (II) ~~Such~~ THE policies shall insure the corporation against liability imposed upon it
15 by law for damages arising out of the acts, errors, and omissions of all nonprofessional
16 employees.

17 (III) The insurance shall be in an amount for each claim of at least fifty thousand
18 dollars multiplied by the number of persons licensed to practice chiropractic employed by
19 the corporation. The policy may provide for an aggregate top limit of liability per year for
20 all claims of one hundred fifty thousand dollars also multiplied by the number of persons
21 licensed to practice chiropractic employed by the corporation, but no firm shall be required
22 to carry insurance in excess of three hundred thousand dollars for each claim with an
23 aggregate top limit of liability for all claims during the year of nine hundred thousand
24 dollars.

25 (IV) The policy may provide that it does not apply to: Any dishonest, fraudulent,
26 criminal, or malicious act or omission of the insured corporation or any stockholder or
27 employee thereof; the conduct of any business enterprise, as distinguished from the practice
28 of chiropractic, in which the insured corporation under this section is not permitted to
29 engage but ~~which~~ THAT nevertheless may be owned by the insured corporation or in which
30 the insured corporation may be a partner or ~~which~~ THAT may be controlled, operated, or
31 managed by the insured corporation in its own or in a fiduciary capacity, including the
32 ownership, maintenance, or use of any property in connection therewith; when not resulting
33 from breach of professional duty, bodily injury to, or sickness, disease, or death of any
34 person, or to injury to or destruction of any tangible property, including the loss of use
35 thereof; and ~~such~~ THE policy may contain reasonable provisions with respect to policy
36 periods, territory, claims, conditions, and other usual matters.

37 ~~(2) Repealed.~~

38 ~~(3)~~ (2) The corporation shall do nothing ~~which~~ THAT, if done by a person licensed
39 to practice chiropractic in the state of Colorado employed by it, would violate the standards

1 of professional conduct as provided for in section ~~12-33-117~~ **12-215-115**. Any violation by
2 the corporation of this section shall be grounds for the board to terminate or suspend its right
3 to practice chiropractic.

4 ~~(4)~~ (3) Nothing in this section shall be deemed to diminish or change the obligation
5 of each person licensed to practice chiropractic employed by the corporation to conduct his
6 OR HER practice in accordance with the standards of professional conduct provided for in
7 section ~~12-33-117~~ **12-215-115**. Any person licensed by the board to practice chiropractic
8 who by act or omission causes the corporation to act or fail to act in a way ~~which~~ THAT
9 violates ~~such~~ THE standards of professional conduct, including any provision of this section,
10 shall be deemed personally responsible for ~~such~~ THE act or omission and shall be subject to
11 discipline therefor.

12 ~~(5)~~ (4) A professional service corporation may adopt a pension, CASH OR DEFERRED
13 profit-sharing, (~~whether cash or deferred~~) health and accident insurance, or welfare plan for
14 all or part of its employees including lay employees if ~~such~~ THE plan does not require or
15 result in the sharing of specific or identifiable fees with lay employees, and if any payments
16 made to lay employees, or into any such plan in behalf of lay employees, are based upon
17 their compensation or length of service, or both, rather than the amount of fees or income
18 received.

19 ~~(6)~~ (5) Except as provided in this section, corporations shall not practice chiropractic.

20 ~~(7)~~ (6) As used in this section, unless the context otherwise requires:

21 (a) "Articles of incorporation" includes operating agreements of limited liability
22 companies and partnership agreements of registered limited liability partnerships.

23 (b) "Corporation" includes a limited liability company organized under the "Colorado
24 Limited Liability Company Act", article 80 of title 7, ~~C.R.S.~~, and a limited liability
25 partnership registered under section 7-60-144 or 7-64-1002. ~~C.R.S.~~

26 (c) "Director" and "officer" of a corporation includes a member and a manager of a
27 limited liability company and a partner in a registered limited liability partnership.

28 (d) "Employees" includes employees, members, and managers of a limited liability
29 company and employees and partners of a registered limited liability partnership.

30 (e) "Share" includes a member's rights in a limited liability company and a partner's
31 rights in a registered limited liability partnership.

32 (f) "Shareholder" includes a member of a limited liability company and a partner in
33 a registered limited liability partnership.

34
35 **12-215-125. [Formerly 12-33-125] Reporting requirements.** A person licensed
36 to practice chiropractic in this state shall report to the board any chiropractor known or
37 believed to have violated this article **215**.

38
39 **12-215-126. [Formerly 12-33-126] Confidentiality - exceptions.** (1) A licensee

1 shall not disclose confidential communications made between ~~such~~ THE licensee and a
2 patient in the course of ~~such~~ THE licensee's professional employment unless ~~such~~ THE patient
3 gives his or her consent prior to the disclosure. An employee or associate of a licensee shall
4 not disclose any knowledge of confidential communications acquired in his or her capacity
5 as an employee or associate, unless a patient gives his or her consent prior to the disclosure.

6 (2) Subsection (1) of this section shall not apply when:

7 (a) A patient or an heir, executor, or administrator of a patient files a complaint or
8 suit against a licensee with respect to any cause of action arising out of or connected with:

9 (I) The care or treatment of ~~such~~ THE patient by ~~such~~ THE licensee; or

10 (II) The consultation by ~~such~~ THE licensee with another health care practitioner who
11 provided care or treatment to the patient.

12 (b) A review of the services of a licensee is conducted by:

13 (I) The board, or a person or group authorized by the board;

14 (II) The governing board of a hospital where ~~said~~ THE licensee practices, which
15 hospital is licensed pursuant to part 1 of article 3 of title 25, ~~C.R.S.~~, or the medical staff of
16 ~~such~~ THE hospital if ~~said~~ THE staff operates pursuant to written bylaws approved by the
17 governing board of the hospital; or

18 (III) A professional review committee established pursuant to section ~~12-33-119.1~~
19 **12-215-119**, if the licensee has signed a release authorizing ~~such~~ THE review.

20 (3) The records and information produced and used in a review described in
21 ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of this section shall not become public
22 records solely because of the use of ~~such~~ THE records and information in ~~such~~ THE review,
23 and the identity of a patient whose records are reviewed pursuant to ~~said paragraph~~
24 SUBSECTION (2)(b) OF THIS SECTION shall not be disclosed to any person not directly
25 involved in the review process. The board shall adopt procedures to ensure that the identity
26 of patients remains confidential during the review process.

27 (4) Nothing in this section shall be deemed to prohibit any disclosure required by
28 law.

29
30 **12-215-127. [Formerly 12-33-127] Animal chiropractic - registration -**
31 **qualifications - continuing education - collaboration with veterinarian - discipline - title**
32 **restriction - rules.** (1) (a) A licensed chiropractor who is registered under this section is
33 authorized to perform animal chiropractic when the chiropractic diagnosis and treatment is
34 consistent with the scope of practice for chiropractors and the licensed chiropractor performs
35 animal chiropractic in accordance with all state and local requirements regarding animal
36 licensing and vaccinations, including compliance with part 6 of article 4 of title 25 and
37 section 30-15-101. A chiropractor must have the knowledge, skill, ability, and documented
38 competency to perform an act that is within the scope of practice for chiropractors.

39 (b) In recognition of the special authority granted by this section, the performance

1 of animal chiropractic in accordance with this section shall not be deemed a violation of
2 section ~~12-64-104~~ **12-315-_____** .

3 (c) A licensed chiropractor who is not registered under this section may perform
4 animal chiropractic if performed under the direct, on-premises supervision of a licensed
5 veterinarian.

6 (d) An individual who is not licensed as a chiropractor or a veterinarian may not
7 perform animal chiropractic.

8 (2) The state board of chiropractic examiners shall regulate animal chiropractic and
9 diagnosis, including, without limitation, educational and clinical requirements for the
10 performance of animal chiropractic and the procedure for referring complaints to the
11 department ~~of regulatory agencies~~ regarding animal chiropractic diagnosis and
12 therapy. <{*Since this section also refers to the veterinary board, I thought we should retain*
13 *reference to the full chiro board name for clarity. Thoughts?*>

14 (3) **Registry.** (a) The state board of chiropractic examiners shall maintain a database
15 of all licensed chiropractors ~~that~~ WHO are registered pursuant to this section and rules
16 promulgated pursuant to this **article 215** <{*Should the rule-making be limited to "this*
17 *section"?*> to practice animal chiropractic in this state. Information in the database shall
18 be open to public inspection at all times and shall be easily accessible in electronic form.

19 (b) A licensed chiropractor who chooses to practice animal chiropractic and who
20 seeks registration in animal chiropractic shall provide the state board of chiropractic
21 examiners with registration information as required by the board, which shall include the
22 chiropractor's name, current address, education and training in the field of animal
23 chiropractic, active Colorado chiropractic license, and qualifications to perform animal
24 chiropractic and treatment. Forms for chiropractors to provide ~~such~~ THIS information shall
25 be provided by the board.

26 (4) **Educational qualifications.** A licensed chiropractor who seeks registration in
27 animal chiropractic must obtain education in the field of animal chiropractic from an
28 accredited college of veterinary medicine, an accredited college of chiropractic, or an
29 educational program deemed equivalent by mutual agreement of the state board of
30 chiropractic examiners and the state board of veterinary medicine. The educational program
31 must consist of no fewer than two hundred ten hours, include both classroom instruction and
32 clinical experience, and culminate with a proficiency evaluation. The educational program
33 must include the following subjects:

34 (a) Chiropractic topics, including:

35 (I) History and systems review;

36 (II) Subluxation and vertebral subluxation; and

37 (III) Adjustment techniques for dogs and equids;

38 (b) Veterinary topics specific to dogs and equids, including:

39 (I) Anatomy, including sacropelvic, thoracolumbar, cervical, and extremity,

1 including normal hoof anatomy and care;

2 (II) Physiology;

3 (III) Behavior;

4 (IV) Knowledge of breed anomalies;

5 (V) Restraint;

6 (VI) Biomechanics, gait, and lameness;

7 (VII) Neurology, neuroanatomy, and neurological conditions;

8 (VIII) Differential diagnosis of neuromusculoskeletal conditions;

9 (IX) Motion palpation;

10 (X) Pathology; and

11 (XI) Radiographic interpretation;

12 (c) Recognition of dog and equid zoonotic and contagious diseases;

13 (d) Animal-specific case management, outcome assessment, and documentation; and

14 (e) Animal-specific professional ethics and legalities.

15 ~~(4.5)~~ (5) **One-time education requirements.** (a) A licensed chiropractor who is
16 registered to perform animal chiropractic or who applies to be registered to perform animal
17 chiropractic shall successfully complete the following one-time courses:

18 (I) A one-hour jurisprudence course that includes information about statutes, rules,
19 and procedures concerning notification requirements governing the identification of
20 contagious, infectious, and zoonotic diseases; and

21 (II) An eight-hour course on contagious, infectious, and zoonotic diseases that covers
22 recognition of early indicators and clinical signs of the following diseases:

23 (A) In dog patients: Rabies virus; West Nile virus; canine brucellosis, also known
24 as brucella canis; plague, also known as yersinia pestis; and tularemia, also known as
25 francisella tularensis; and

26 (B) In equid patients: Rabies virus; West Nile virus; and equine herpesvirus
27 myeloencephalopathy.

28 (b) For each of the diseases listed in subsection ~~(4.5)(a)(II)~~ (5)(a)(II) of this section,
29 the course must address:

30 (I) Pathology;

31 (II) Clinical presentation;

32 (III) Biosecurity issues;

33 (IV) Public health concerns in Colorado; and

34 (V) Herd health concerns in Colorado.

35 (c) After a licensed chiropractor has successfully completed the jurisprudence and
36 contagious, infectious, and zoonotic diseases courses required under this subsection ~~(4.5)~~
37 (5), he or she need not take the courses again as a condition of registration renewal or
38 reinstatement.

39 (d) Until a licensed chiropractor successfully completes the courses required under

1 this subsection ~~(4.5)~~ (5), the licensed chiropractor must obtain veterinary medical clearance
2 from a licensed veterinarian to perform animal chiropractic.

3 ~~(5)~~ (6) **Continuing education.** (a) A licensed chiropractor who is registered to
4 perform animal chiropractic shall complete twenty hours of continuing education per
5 licensing period that is specific to the diagnosis and treatment of animals. All continuing
6 education courses must be in the fields of study listed in subsections (4) and ~~(4.5)~~ (5) of this
7 section.

8 (b) On and after November 1, 2019, the twenty hours of continuing education
9 required under this subsection ~~(5)~~ (6) must include a two-hour course on contagious,
10 infectious, and zoonotic diseases, including current information about the incidence rates
11 of rabies virus, West Nile virus, equine herpesvirus myeloencephalopathy, canine
12 brucellosis, plague, and tularemia in Colorado and in other locations that might affect a
13 licensed chiropractor's animal patients.

14 ~~(5.5)~~ (7) **Initiation of treatment notification and reporting requirements.**

15 (a) Within seven business days after initiating treatment of an animal patient, a licensed
16 chiropractor registered to perform animal chiropractic must notify the animal patient's
17 veterinarian of the initiation of treatment if a licensed veterinarian is treating the animal
18 patient. If the animal patient is not being treated by a licensed veterinarian, the licensed
19 chiropractor may satisfy this subsection ~~(5.5)(a)~~ (7)(a) by providing the individual who
20 brought in the animal patient with a written summary of the treatment performed or
21 anticipated to be performed, which written summary may be kept with any health documents
22 maintained for the animal patient.

23 (b) If, before, during, or after performing animal chiropractic on an animal patient,
24 a licensed chiropractor suspects that the animal patient:

25 (I) Has a reportable disease, as defined in section 35-50-103, the licensed
26 chiropractor shall immediately report the disease to the state veterinarian and, if the animal
27 patient is being treated by a licensed veterinarian, to the animal patient's licensed
28 veterinarian; or

29 (II) Has potentially had contact with a rabies reservoir species; has indicators of
30 canine brucellosis, plague, tularemia, or other indicators of a contagious, infectious, or
31 zoonotic disease; or exhibits ataxia, paralysis, proprioceptive deficit, or incontinence that
32 might be a result of a contagious, infectious, or zoonotic disease, the licensed chiropractor
33 shall:

34 (A) Immediately decline or stop performing chiropractic adjustment on the animal
35 patient;

36 (B) Immediately notify the state veterinarian and the animal patient's licensed
37 veterinarian or, if the animal patient is not being treated by a licensed veterinarian, notify
38 only the state veterinarian, of the suspected contact, indicators, or exhibited condition; and

39 (C) Delay any further chiropractic adjustment until disease can be ruled out or the

1 chiropractor, in collaboration with the animal patient's licensed veterinarian or the state
2 veterinarian, determines appropriate actions to prevent the spread of the contagious,
3 infectious, or zoonotic disease.

4 (c) Any licensed chiropractor who, in good faith and in the normal course of
5 business, reports his or her suspicion of disease pursuant to subsection ~~(5.5)(b)~~ ~~(7)(b)~~ of this
6 section is immune from liability in any civil or criminal action brought against the licensed
7 chiropractor for reporting.

8 ~~(6)~~ ~~(8)~~ **Records and professional collaboration.** (a) A licensed veterinarian who
9 provides veterinary medical clearance for animal chiropractic may require a veterinarian's
10 presence at any chiropractic treatment rendered pursuant to the veterinary medical clearance.

11 (b) The chiropractor and the veterinarian shall continue professional collaboration
12 as necessary for the well-being of the animal patient. The veterinarian shall provide the
13 animal patient's medical record to the chiropractor upon request.

14 (c) The chiropractor shall maintain an animal patient record that includes the written
15 veterinary medical clearance, if clearance was required, including the name of the licensed
16 veterinarian, date, and time the clearance was received. The chiropractor shall furnish a copy
17 of the medical record to the licensed veterinarian upon the licensed veterinarian's request.

18 (d) A licensed chiropractor registered to perform animal chiropractic shall maintain
19 complete and accurate records or patient files in the chiropractor's office for a minimum of
20 three years.

21 ~~(7)~~ ~~(9)~~ **Discipline.** Complaints received in the office of the state board of chiropractic
22 examiners that include allegations of a violation related to animal chiropractic shall be
23 forwarded to the state board of veterinary medicine for its review and advisory
24 recommendation to the state board of chiropractic examiners. The state board of chiropractic
25 examiners retains the final authority for decisions related to the discipline of a chiropractor.

26 ~~(8)~~ ~~(10)~~ **Separate treatment room.** A licensed chiropractor who provides animal
27 chiropractic diagnosis and treatment in the same facility where human patients are treated
28 shall maintain a separate, noncarpeted room for the purpose of adjusting animals. The table
29 and equipment used for animals shall not be used for human patients.

30 ~~(9)~~ ~~(11)~~ **Use of title.** Only a licensed chiropractor qualified and registered in
31 Colorado to perform animal chiropractic may use the titles "animal chiropractor", "animal
32 adjuster", "equine chiropractor", or "equine adjuster". No chiropractor shall use the titles
33 "veterinary chiropractor" or "veterinary adjuster" unless the chiropractor is also licensed to
34 practice veterinary medicine in Colorado. Nothing in this section shall prohibit a licensed
35 veterinarian from using the titles "animal adjuster" or "equine adjuster".

36 ~~(10)~~ ~~(12)~~ **Rules.** The state board of chiropractic examiners, in consultation with the
37 state board of veterinary medicine, may establish by rule any additional requirements to be
38 met by a chiropractor regarding required documentation and any other rules necessary for
39 the implementation of this section.

1 (11) (12) Nothing in this section shall be construed to prohibit, limit, or alter the
2 privileges or practices of any other licensed profession, including veterinarians, from
3 performing spinal, extremity, or other aspects of adjustment, manipulation, or mobilization
4 on animals as allowed for in the scope of their respective practice acts.
5

6 **12-215-128. [Formerly 12-33-128] Chiropractic assistants.** A chiropractor may
7 supervise up to five unlicensed persons as chiropractic assistants if ~~such~~ THE UNLICENSED
8 persons have received appropriate training as established by the board by rule promulgated
9 pursuant to section ~~12-33-107~~ **12-20-204**. A chiropractic assistant may perform his or her
10 duties only under the direct supervision of a chiropractor and only in those areas in which
11 the chiropractic assistant has the requisite skill and training. A chiropractic assistant shall
12 not perform a diagnosis, an adjustment, or acupuncture. <{*Since we are proposing to strike*
13 *the general rule-making authority in current sec. 12-33-107 as covered by the general*
14 *rule-making authority common provision, 12-20-204, we recommend referring to the*
15 *common provision in this section.*>

16
17 PART 2
18 SAFETY TRAINING FOR UNLICENSED X-RAY TECHNICIANS
19

20 **12-215-201. [Formerly 12-33-201] Legislative declaration.** (1) The general
21 assembly hereby finds, determines, and declares that public exposure to the hazards of
22 ionizing radiation used for diagnostic purposes should be minimized wherever possible.
23 Accordingly, the general assembly finds, determines, and declares that for any licensed
24 chiropractor to allow an untrained person to operate a machine source of ionizing radiation,
25 including without limitation a device commonly known as an "X-ray machine", or to
26 administer ~~such~~ radiation to a patient for diagnostic purposes is a threat to the public health
27 and safety.

28 (2) It is the intent of the general assembly that licensed chiropractors utilizing
29 unlicensed persons in their practices provide those persons with a minimum level of
30 education and training before allowing them to operate machine sources of ionizing
31 radiation; however, it is not the general assembly's intent to discourage education and
32 training beyond this minimum. It is further the intent of the general assembly that established
33 minimum training and education requirements correspond as closely as possible to the
34 requirements of each particular work setting as determined by the ~~Colorado state~~ board of
35 ~~chiropractic examiners~~ pursuant to this part 2.

36 (3) The general assembly seeks to ensure, and accordingly declares its intent, that in
37 promulgating the rules ~~and regulations~~ authorized by this part 2, the board will make every
38 effort, consistent with its other statutory duties, to avoid creating a shortage of qualified
39 individuals to operate machine sources of ionizing radiation for beneficial medical purposes

1 in any area of the state.
2

3 **12-215-202. [Formerly 12-33-202] Board authorized to issue rules - definition.**

4 (1) (a) The ~~Colorado state~~ board of chiropractic examiners shall adopt rules and regulations
5 prescribing minimum standards for the qualifications, education, and training of unlicensed
6 persons operating machine sources of ionizing radiation and administering ~~such~~ radiation
7 to patients for diagnostic chiropractic use. No licensed chiropractor shall allow any
8 unlicensed person to operate any machine source of ionizing radiation or to administer ~~such~~
9 radiation to any patient unless ~~such~~ THE person has met the standards then in effect under
10 rules and regulations adopted pursuant to this section. The board may adopt rules and
11 regulations allowing a grace period in which newly hired operators of machine sources of
12 ionizing radiation shall receive the training required pursuant to this section.

13 (b) For purposes of this part 2, "unlicensed person" means any person who does not
14 hold a current and active license entitling the person to practice chiropractic under the
15 provisions of this article **215**.

16 (2) The board shall seek the assistance of licensed chiropractors in developing and
17 formulating the rules and regulations promulgated pursuant to this section.

18 (3) The required number of hours of training and education for all unlicensed
19 persons operating machine sources of ionizing radiation and administering ~~such~~ radiation
20 to patients shall be established by the board by rule **on or before July 1, 1992**. This standard
21 shall apply to all persons in chiropractic settings other than hospitals and similar facilities
22 licensed by the department of public health and environment pursuant to section 25-1.5-103.
23 ~~C.R.S. Such~~ THE training and education may be obtained through programs approved by the
24 appropriate authority of any state or through equivalent programs and training experience
25 including on-the-job training as determined by the board. <{***OK to strike date?***}>