

**ARTICLE 37.3 250**  
**NATUROPATHIC DOCTORS**

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1                   **12-250-101. [Formerly 12-37.3-101] Short title.** THE SHORT TITLE OF this article  
2 shall be known and may be cited as **250** IS the "Naturopathic Doctor Act".

1 **12-250-102. Applicability of common provisions.** ARTICLES 1, 20, AND 30 OF THIS  
2 TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 250.  
3

4 **12-250-103. [Formerly 12-37.3-102] Definitions.** As used in this article 37.3 250,  
5 unless the context otherwise requires:

6 (1) "ACIP" means the advisory committee on immunization practices to the centers  
7 for disease control and prevention in the federal department of health and human services  
8 or its successor entity.

9 ~~(1.3)~~ (2) "Administer" means the direct application of a drug to the body of a patient  
10 by injection, inhalation, ingestion, or any other method.

11 ~~(1.5)~~ (3) "Advisory committee" means the naturopathic medicine advisory committee  
12 created in section ~~12-37.3-103~~ **12-250-104**.

13 ~~(2)~~ (4) "Approved clinical training" means clinical training in naturopathic medicine  
14 in an inpatient or outpatient setting that has been approved by the director. "Approved  
15 clinical training" may include components of allopathic medicine in addition to naturopathic  
16 medicine.

17 ~~(3)~~ (5) "Approved naturopathic medical college" means:

18 (a) A naturopathic medical education program in the United States or Canada that  
19 grants the degree of doctor of naturopathic medicine or doctor of naturopathy and that:

20 (I) Is approved by the director;

21 (II) Offers graduate-level, full-time didactic and supervised clinical training; and

22 (III) Is accredited or has achieved candidacy status for accreditation by the council  
23 on naturopathic medical education or an equivalent accrediting body for naturopathic  
24 medical programs recognized by the United States department of education; or

25 (b) Any other college or program approved by the director and accredited by the  
26 council on naturopathic medical education or its successor entity.

27 ~~(4)~~ (6) "Continuing professional competency" means the ongoing ability of a  
28 naturopathic doctor to learn, integrate, and apply the knowledge, skill, and judgment to  
29 practice as a naturopathic doctor according to generally accepted standards and professional  
30 ethical standards.

31 ~~(5) "Director" means the director of the division or the director's designee. <{**Repeal**~~  
32 ~~**as redundant with definitions common provision, 12-20-102 (6).**>~~

33 ~~(5.5)~~ (7) "Dispense" means the preparation, in a suitable container appropriately  
34 labeled for subsequent administration to or use by a patient, of a medicine that a naturopathic  
35 doctor is authorized under this article 250 to obtain.

36 ~~(6) "Division" means the division of professions and occupations in the department~~  
37 ~~of regulatory agencies. <{**Repeal as redundant with definitions common provision,**~~  
38 ~~**12-20-102 (7).**>~~

1           ~~(7)~~ (8) "Homeopathic preparations" means medicines prepared according to the most  
2 current version of the Homeopathic Pharmacopoeia of the United States/Revision Service.

3           ~~(8)~~ (9) "Minor office procedures" means:

4           (a) The repair, care, and suturing of superficial lacerations and abrasions;

5           (b) The removal of foreign bodies located in superficial tissue, excluding the ear or  
6 eye; and

7           (c) Obtaining and administering saline, sterile water, topical antiseptics, and local  
8 anesthetics, including local anesthetics with epinephrine, in connection with a procedure  
9 described in ~~paragraph (a) or (b) of this subsection~~ ~~(8)~~ SUBSECTIONS (9)(a) OR (9)(b) OF THIS  
10 SECTION.

11           ~~(9)~~ (10) "Natural health care services" or "natural health care" includes, but is not  
12 limited to:

13           (a) Healing practices using food; food extracts; over-the-counter dietary supplements,  
14 including vitamins, herbs, minerals, and enzymes; nutrients; homeopathic remedies and  
15 preparations; the physical forces of heat, cold, water, touch, sound, and light; and mind-body  
16 and energetic healing practices;

17           (b) Education, counseling, or advice regarding healing practices described in  
18 ~~paragraph (a) of this subsection~~ ~~(9)~~ SUBSECTION (10)(a) OF THIS SECTION and their effects  
19 on the structure and functions of the human body; and

20           (c) Services or care as may be further defined by the director by rule.

21           ~~(10)~~ (11) "Naturopathic doctor" or "registrant" means a person who is registered by  
22 the director to practice naturopathic medicine pursuant to this article **250**.

23           ~~(11)~~ (12) "Naturopathic formulary" means the list of nonprescription classes of  
24 medicines determined by the director that naturopathic doctors use in the practice of  
25 naturopathic medicine. "Naturopathic formulary" includes any prescription substance or  
26 device that is authorized under this article ~~37.3~~ **250**.

27           ~~(12)~~ (13)(a) "Naturopathic medicine", as performed by a naturopathic doctor, means  
28 a system of health care for the prevention, diagnosis, evaluation, and treatment of injuries,  
29 diseases, and conditions of the human body through the use of education, nutrition,  
30 naturopathic preparations, natural medicines and other therapies, and other modalities that  
31 are designed to support or supplement the human body's own natural self-healing processes.

32           (b) "Naturopathic medicine" includes naturopathic physical medicine, which consists  
33 of naturopathic manual therapy, the therapeutic use of the physical agents of air, water, heat,  
34 cold, sound, light, touch, and electromagnetic nonionizing radiation, and the physical  
35 modalities of electrotherapy, diathermy, ultraviolet light, ultrasound, hydrotherapy, and  
36 exercise.

37  
38           **12-250-104. [Formerly 12-37.3-103] Naturopathic medicine advisory committee**

1 **- creation - membership - duties.** (1) (a) The naturopathic medicine advisory committee  
2 is hereby created in the department of regulatory agencies as the entity responsible for  
3 advising the director in the regulation of the practice of naturopathic medicine by  
4 naturopathic doctors and the implementation of this article **250**.

5 (b) (I) The advisory committee consists of nine members appointed by the director  
6 as follows:

7 (A) Three members who are naturopathic doctors;

8 (B) Three members who are doctors of medicine or osteopathy licensed pursuant to  
9 article ~~36~~ **240** of this title **12**;

10 (C) One member who is a pharmacist licensed pursuant to article ~~42.5~~ **280** of this  
11 title **12**; and

12 (D) Two members from the public at large. The director shall make reasonable  
13 efforts to appoint public members who are or have been consumers of naturopathic  
14 medicine.

15 (II) **The director shall appoint members to the advisory committee no later than**  
16 **January 1, 2014.** <{**Repeal?**}>

17 (c) (I) Each member of the advisory committee holds office until the expiration of  
18 the member's appointed term or until a successor is duly appointed. Except as specified in  
19 ~~subparagraph (H) of this paragraph (c)~~ SUBSECTION (1)(c)(II) OF THIS SECTION, the term of  
20 office of each member is four years, and an advisory committee member shall not serve more  
21 than two consecutive four-year terms. The director shall fill a vacancy occurring on the  
22 advisory committee, other than by expiration of a term, by appointment for the unexpired  
23 term of the member.

24 (II) To ensure staggered terms of office, the initial term of office of one of the  
25 naturopathic doctor members, the pharmacist member, and one of the members representing  
26 the public is two years. These members are eligible to serve one additional four-year term  
27 of office. On and after the expiration of these members' terms, the term of office of persons  
28 appointed to these positions on the advisory committee is as described in ~~subparagraph (I)~~  
29 ~~of this paragraph (c)~~ SUBSECTION (1)(c)(I) OF THIS SECTION, commencing on January 1 of  
30 the applicable year.

31 (d) The director may remove any advisory committee member for misconduct,  
32 incompetence, or neglect of duty.

33 (2) The advisory committee shall advise the director in the administration and  
34 enforcement of this article **250** and rules adopted under this article **250** **AND SECTION**  
35 **12-20-204.** <{**Recommend adding reference to rule-making common provision.**}>

36 (3) Members of the advisory committee shall not receive compensation for their  
37 services but are entitled to reimbursement for actual and necessary expenses they incur in  
38 performing their duties.

1           **12-250-105. [Formerly 12-37.3-104] Director powers and duties.** (1) In addition  
2 to any other powers and duties granted or imposed on the director under this article **250 OR**  
3 **ARTICLES 20 AND 30 OF THIS TITLE 12,** the director shall: <{*Recommend adding reference*  
4 *to the other 2 articles that contain provisions that grant to or impose on the director*  
5 *certain powers and duties, e.g., general rule-making authority per 12-20-204, imposition*  
6 *of fees per 12-20-105, etc. This ties together with the below recommendations to repeal*  
7 *provisions that are redundant with common provisions.*}>

8           (a) **Adopt rules necessary to administer this article PURSUANT TO SECTION 12-20-204;**  
9 <{*Redundant with general rule-making common provision, 12-20-204. Recommend*  
10 *amending.*}>

11           (b) Establish the form and manner in which applicants are to apply for a new  
12 registration or to renew a registration;

13           (c) Receive, review, and approve or deny applications for registrations and issue and  
14 renew registrations under this article **250;**

15           (d) **Establish fees for registration applications and renewal applications in the manner**  
16 **authorized by section 24-34-105, C.R.S.;** <{*Redundant with fees common provision,*  
17 *12-20-105. Recommend repealing.*}>

18           (e) (d) Conduct investigations, hold hearings, take evidence, and pursue disciplinary  
19 actions pursuant to **section 12-37.3-112 SECTIONS 12-20-403 AND 12-250-113** with respect  
20 to complaints against naturopathic doctors when the director has reasonable cause to believe  
21 that a naturopathic doctor is violating this article **250** or rules adopted pursuant to this article  
22 and to subpoena witnesses, administer oaths, and compel the testimony of witnesses and the  
23 production of books, papers, and records relevant to those investigations or hearings. Any  
24 subpoena issued pursuant to this article is enforceable by the district court **250 OR SECTION**  
25 **12-20-204;** <{*Redundant with disciplinary procedures common provision, 12-20-403.*  
26 *Recommend amending as indicated. Also recommend adding reference to general*  
27 *rule-making authority.*}>

28           (f) (e) Perform other functions and duties necessary to administer this article **250.**  
29

30           **12-250-106. [Formerly 12-37.3-105] Practice of naturopathic medicine by**  
31 **naturopathic doctors - exclusions - protected activities - definition - rules.** (1) The  
32 practice of naturopathic medicine by a naturopathic doctor includes the following:

33           (a) The prevention and treatment of human injury, disease, or conditions through  
34 education or dietary or nutritional advice, and the promotion of healthy ways of living;

35           (b) The use of physical examinations and the ordering of clinical, laboratory, and  
36 radiological diagnostic procedures from licensed or certified health care facilities or  
37 laboratories for the purpose of diagnosing and evaluating injuries, diseases, and conditions  
38 in the human body;

1 (c) (I) Obtaining, dispensing, administering, ordering, or prescribing, as specified,  
2 medicines listed in the naturopathic formulary, which includes:

3 (A) Obtaining, administering, or dispensing epinephrine to treat anaphylaxis;

4 (B) Obtaining and dispensing barrier contraceptives, excluding intrauterine devices;

5 (C) Obtaining and administering oxygen, but only for emergency use;

6 (D) Obtaining and administering vitamins B6 and B12;

7 (E) Obtaining, administering, or dispensing substances that are regulated by the  
8 federal food and drug administration but that do not require a prescription order to be  
9 dispensed; and

10 (F) Obtaining and administering vaccines, in accordance with the ACIP guidelines,  
11 for patients who are at least eighteen years of age.

12 (II) A naturopathic doctor may obtain medications described in ~~subparagraph (I) of~~  
13 ~~this paragraph (c)~~ SUBSECTION (1)(c)(I) OF THIS SECTION from a manufacturer, wholesaler,  
14 or in-state prescription drug outlet registered or licensed by the state board of pharmacy  
15 pursuant to article ~~42.5 280~~ of this title **12**. An entity that provides a medication described  
16 in ~~subparagraph (I) of this paragraph (c)~~ SUBSECTION (1)(c)(I) OF THIS SECTION to a  
17 naturopathic doctor in accordance with this section, and that relies in good faith upon the  
18 registration information provided by the naturopathic doctor, is not subject to liability for  
19 providing the medication.

20 (d) Performing minor office procedures.

21 (2) A naturopathic doctor shall not:

22 (a) Prescribe, dispense, administer, or inject a controlled substance or device  
23 identified in the federal "Controlled Substances Act", 21 U.S.C. sec. 801 et seq., as  
24 amended;

25 (b) Perform surgical procedures, including surgical procedures using a laser device;

26 (c) Use general or spinal anesthetics, other than topical anesthetics;

27 (d) Administer ionizing radioactive substances for therapeutic purposes;

28 (e) Treat a child who is less than two years of age, unless the naturopathic doctor:

29 (I) Provides to the parent or legal guardian of the child a copy of the most recent  
30 immunizations schedule recommended by the ~~advisory committee on immunization practices~~  
31 ~~to the centers for disease control and prevention in the federal department of health and~~  
32 ~~human services~~ ACIP and recommends that the parent or legal guardian follow the  
33 immunizations schedule;

34 (II) (A) On or after March 26, 2015, except as provided in ~~sub-subparagraph (B) of~~  
35 ~~this subparagraph (H)~~ SUBSECTION (2)(e)(II)(B) OF THIS SECTION, demonstrates in each year  
36 in which the naturopathic doctor treats a child under two years of age, successful completion  
37 of five hours per year of education or practicum training solely related to pediatrics in  
38 accordance with continuing professional competency requirements approved by the director

1 pursuant to section ~~12-37.3-108~~ **12-250-109**, which includes subject matter related to  
2 recognizing a sick infant and when to refer an infant for more intensive care.

3 (B) If, pursuant to ~~paragraph (f) of this subsection (2)~~ SUBSECTION (2)(f) OF THIS  
4 SECTION, a naturopathic doctor treats children who are two years of age or older but less than  
5 eight years of age and successfully completes three hours per year of education or practicum  
6 training solely related to pediatrics as required by ~~subparagraph (H) of paragraph (f) of this~~  
7 ~~subsection (2)~~ SUBSECTION (2)(f)(II) OF THIS SECTION, the naturopathic doctor is required  
8 only to successfully complete an additional two hours per year of education or practicum  
9 training solely related to pediatrics to comply with the requirements of ~~sub-subparagraph (A)~~  
10 ~~of this subparagraph (H)~~ SUBSECTION (2)(e)(II)(A) OF THIS SECTION.

11 (III) (A) Develops and executes a written collaborative agreement with a licensed  
12 physician who is a pediatrician or family physician, which agreement includes the duties and  
13 responsibilities of each party as part of the collaborative agreement according to each party's  
14 standard of care and practice act, a process for consulting with and referring to a licensed  
15 physician to facilitate the effective treatment of children under two years of age, and other  
16 provisions as may be established by the director by rule. The naturopathic doctor and the  
17 licensed physician shall keep the written collaborative agreement on file and, upon request  
18 by the director, for naturopathic doctors, or by the Colorado medical board, for licensed  
19 physicians, shall provide a copy of the agreement to the director or board, as applicable.

20 (B) The naturopathic doctor shall provide to the director the name and license  
21 number of the licensed physician and shall ensure that the information filed with the director  
22 is current. The director shall make the information available to the Colorado medical board  
23 and the naturopathic medicine advisory committee.

24 (C) Nothing in this ~~subparagraph (H)~~ SUBSECTION (2)(e)(III) permits the  
25 independent practice of medicine, as defined in section ~~12-36-106 (1) and (2)~~ **12-240-\_\_\_**  
26 **(\_\_)** AND **(\_\_)**, by a naturopathic doctor.

27 (D) Nothing in this ~~subparagraph (H)~~ SUBSECTION (2)(e)(III): Limits the ability of  
28 a naturopathic doctor to make an independent judgment; requires supervision by a licensed  
29 physician; precludes the use of professional judgment or variation according to the needs  
30 of the child under two years of age; imposes liability on a licensed physician, in developing  
31 or signing a collaborative agreement, for the actions of the naturopathic doctor in treating  
32 a child under two years of age; imposes liability on a naturopathic doctor, in developing or  
33 signing a collaborative agreement, for the actions of the licensed physician in consulting  
34 regarding the treatment of a child less than two years of age; or requires the naturopathic  
35 doctor and licensed physician to be practicing in the same community or in close proximity  
36 to each other in order to enter into a collaborative agreement.

37 (IV) Requires the child's parent or legal guardian to sign an informed consent that:

38 (A) Discloses that the naturopathic doctor is registered pursuant to this article **250**;

1 (B) Discloses that the naturopathic doctor is not a physician licensed pursuant to  
2 article ~~36~~ **240** of this title **12**;

3 (C) Recommends that the child have a relationship with a licensed pediatric health  
4 care provider; and

5 (D) If the child has a relationship with a licensed pediatric health care provider,  
6 requests permission from the parent or legal guardian for the naturopathic doctor to attempt  
7 to develop and maintain a collaborative relationship with the licensed pediatric health care  
8 provider, as defined by director rules; or if the child does not have a relationship with a  
9 licensed pediatric health care provider, on the child's first visit, refers the child to at least one  
10 licensed pediatric health care provider, physician, or advanced practice nurse who cares for  
11 pediatric patients to provide a medical home for the child, with ongoing communication and  
12 relationship between the naturopathic doctor and the licensed pediatric health care provider,  
13 physician, or advanced practice nurse; and

14 (V) Complies with rules adopted by the director regarding the training required by  
15 ~~subparagraph (H) of this paragraph (e)~~ SUBSECTION (2)(e)(II) OF THIS SECTION and referral  
16 to and communication with licensed pediatric health care providers, physicians, or advanced  
17 practice nurses as required by ~~sub-subparagraph (D) of subparagraph (IV) of this paragraph~~  
18 ~~(e)~~ SUBSECTION (2)(e)(IV)(D) OF THIS SECTION, to ensure the safety of clients who are under  
19 two years of age;

20 (f) Treat a child who is two years of age or older but less than eight years of age,  
21 unless the naturopathic doctor:

22 (I) Provides to the parent or legal guardian of the child a copy of the most recent  
23 immunizations schedule recommended by the ~~advisory committee on immunization practices~~  
24 ~~to the centers for disease control and prevention in the federal department of health and~~  
25 ~~human services~~ ACIP and recommends that the parent or legal guardian follow the  
26 immunizations schedule;

27 (II) Demonstrates successful completion of three hours per year of education or  
28 practicum training solely related to pediatrics in accordance with continuing professional  
29 competency requirements approved by the director pursuant to section ~~12-37.3-108~~  
30 **12-250-109**; and

31 (III) Requires the child's parent or legal guardian to sign an informed consent that:

32 (A) Discloses that the naturopathic doctor is registered pursuant to this article **250**;

33 (B) Discloses that the naturopathic doctor is not a physician licensed pursuant to  
34 article ~~36~~ **240** of this title **12**;

35 (C) Recommends that the child have a relationship with a licensed pediatric health  
36 care provider; and

37 (D) If the child has a relationship with a licensed pediatric health care provider,  
38 requests permission from the parent or legal guardian for the naturopathic doctor to attempt

1 to develop and maintain a collaborative relationship with the licensed pediatric health care  
2 provider, as defined by director rules;

3 (g) Engage in or perform the practice of medicine, surgery, or any other form of  
4 healing except as authorized by this article **250**;

5 (h) Practice obstetrics;

6 (i) Perform spinal adjustment, manipulation, or mobilization, but this paragraph (i)  
7 SUBSECTION (2)(I) does not prohibit a naturopathic doctor from practicing naturopathic  
8 physical medicine as described in section ~~12-37.3-102 (12)(b)~~ **12-250-103 (13)(b)**; or

9 (j) Recommend the discontinuation of, or counsel against, a course of care, including  
10 a prescription drug that was recommended or prescribed by another health care practitioner  
11 licensed in this state, unless the naturopathic doctor consults with the health care practitioner  
12 who recommended the course of care.

13 (3) (a) A naturopathic doctor has the same authority and is subject to the same  
14 responsibilities as a licensed physician under public health laws pertaining to reportable  
15 diseases and conditions, communicable disease control and prevention, and recording of  
16 vital statistics and health and physical examinations, subject to the limitations of the scope  
17 of practice of a naturopathic doctor as specified in this article **250**.

18 (b) Before conducting an initial examination of a patient, a naturopathic doctor shall  
19 obtain the patient's informed consent to the examination, evidenced by a written statement  
20 in a form prescribed by the director and signed by both the patient and the naturopathic  
21 doctor. The statement must:

22 (I) Disclose that the naturopathic doctor is not a medical doctor or physician licensed  
23 under article ~~36~~ **250** of this title 12;

24 (II) Recommend that the patient have a relationship with a medical doctor or licensed  
25 physician;

26 (III) Indicate that the naturopathic doctor will attempt to develop and maintain a  
27 collaborative relationship with the patient's licensed physician, if the patient has a  
28 relationship with a licensed physician; and

29 (IV) Disclose that the naturopathic doctor is registered and not licensed.

30 (c) A naturopathic doctor shall communicate and cooperate with a patient's other  
31 health care providers, if any, to ensure that the patient receives coordinated care.

32 (d) A naturopathic doctor shall refer a patient to another health care professional if  
33 the patient's needs are beyond the naturopathic doctor's scope of knowledge and practice.

34 (4) This article **250** does not prevent or restrict the practice, services, or activities of:

35 (a) A person who is licensed, certified, or registered to practice a profession or  
36 occupation pursuant to this title **12** and who engages in activities that are within the lawful  
37 scope of practice for the profession or occupation for which the person is licensed, certified,  
38 or registered;

1 (b) A person who practices natural health care, provides natural health care services,  
2 or advises and educates in the use of natural health care products, as long as the person does  
3 not:

4 (I) Diagnose injuries or diseases;

5 (II) Prescribe medicines as authorized for registrants pursuant to ~~paragraph (c) of~~  
6 ~~subsection (1)~~ SUBSECTION (1)(c) of this section or a prescription drug or controlled  
7 substance or device identified in the federal "Controlled Substances Act", 21 U.S.C. sec. 801  
8 et seq., as amended; or

9 (III) Perform minor office procedures as authorized for registrants pursuant to  
10 ~~paragraph (d) of subsection (1)~~ SUBSECTION (1)(d) of this section;

11 (c) A person who sells vitamins, health foods, dietary supplements, herbs, or other  
12 natural products, if not otherwise prohibited by state or federal law, and who sells or  
13 provides information about the products;

14 (d) A person who provides truthful and nonmisleading information regarding natural  
15 health care products or services;

16 (e) A person employed by the federal government who practices naturopathic  
17 medicine while the person is engaged in the performance of his or her duties;

18 (f) A person who is licensed or otherwise authorized to practice as a naturopathic  
19 doctor in another state or district in the United States who is consulting with a naturopathic  
20 doctor in this state as long as the consultation is limited to examination, recommendation,  
21 or testimony in litigation;

22 (g) A student enrolled in an approved naturopathic medical college who practices  
23 naturopathic medicine if the performance of services is pursuant to a course of instruction  
24 or assignments from and under the supervision of an instructor who is a naturopathic doctor  
25 or a licensed professional in the field in which he or she is providing instruction;

26 (h) A person who administers a domestic or family remedy to oneself or a member  
27 of his or her immediate family based on religious or health beliefs; or

28 (i) A person who renders aid in an emergency when no fee or other consideration of  
29 value for the services is charged, received, expected, or contemplated.

30 (5) Except as provided in subsection (4) of this section, a person who is not  
31 registered under this article **250** shall not:

32 (a) Diagnose injury, disease, ailment, infirmity, deformity, pain, or other condition  
33 of the human body;

34 (b) Dispense, administer, order, or prescribe medicines as authorized for registrants  
35 pursuant to ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section; or

36 (c) Use the title "Naturopathic Doctor", or "Doctor of Naturopathy" or the  
37 abbreviation "N.D."

38 (6) Many therapies used by naturopathic doctors, such as the use of nutritional

1 supplements, herbs, foods, homeopathic preparations, and physical forces such as heat, cold,  
2 water, touch, and light, are not the exclusive privilege of naturopathic doctors, and this  
3 article **250** does not prohibit the use or practice of those therapies by a person who is not  
4 registered under this article **250** to practice naturopathic medicine.

5 (7) As used in this section, "licensed pediatric health care provider" means a licensed  
6 physician or advanced practice nurse who treats children.

7  
8 **12-250-107. [Formerly 12-37.3-106] Registration required - qualifications -  
9 examination - registration by endorsement - rules.** (1) Effective June 1, 2014, a person  
10 shall not practice as a naturopathic doctor in this state without a registration.

11 (2) An applicant for a registration to practice as a naturopathic doctor in this state  
12 shall submit an application to the director in a form and manner determined by the director  
13 by rule, accompanied by the fee required pursuant to section ~~12-37.3-104 (1)(d)~~ **12-20-105**.  
14 The director shall issue a registration to practice as a naturopathic doctor to an applicant  
15 upon receipt of satisfactory proof that the applicant: <{ Updating citation to refer to fees  
16 common provision, 12-20-105. }>

17 (a) Is at least twenty-one years of age and of good moral character;

18 (b) Has obtained a baccalaureate degree from an accredited educational institution  
19 or documented experience that provides the same kind, amount, and level of knowledge as  
20 a baccalaureate degree, as determined by the director;

21 (c) Has graduated from and holds a doctor of naturopathic medicine or doctor of  
22 naturopathy degree from an approved naturopathic medical college;

23 (d) Has successfully passed either a director-approved examination or a  
24 comprehensive competency-based national naturopathic licensing examination administered  
25 by the North American board of naturopathic examiners or a nationally recognized,  
26 director-approved successor entity, as determined by the director by rule; and

27 (e) Has not had a license or other authorization to practice as a naturopathic doctor  
28 or other health care license, registration, or certification denied, revoked, or suspended by  
29 Colorado or any other jurisdiction for reasons that relate to the applicant's ability to skillfully  
30 and safely practice naturopathic medicine, unless the license, registration, or certification is  
31 reinstated to good standing by Colorado or another jurisdiction.

32 (3) The director may issue a registration by endorsement to engage in the practice of  
33 naturopathic medicine to an applicant who has a license, certification, or registration in good  
34 standing as a naturopathic doctor under the laws of another jurisdiction if the applicant  
35 presents satisfactory proof to the director that, at the time of application for a Colorado  
36 registration by endorsement, the applicant possesses credentials and qualifications that are  
37 substantially equivalent to the requirements of this section. The director may adopt rules  
38 concerning the necessary applicant credentials and qualifications.

1 (4) The director may determine, by rule, the qualifications for registration under this  
 2 article **250** for a person who satisfies the requirements of ~~paragraphs (a), (b), and (c) of~~  
 3 ~~subsection (2)~~ SUBSECTIONS (2)(a), (2)(b), AND (2)(e) of this section but does not satisfy the  
 4 requirements for registration under ~~paragraph (c) or (d) of subsection (2)~~ SUBSECTIONS (2)(c)  
 5 OR (2)(d) of this section and who is not licensed, certified, or registered to practice a  
 6 profession or occupation under this title **12** or the laws of any other jurisdiction in the United  
 7 States. The director's rules may require qualifications the director deems appropriate and  
 8 may include documented evidence that the person:

9 (a) Has completed a post-graduate level didactic and supervised clinical educational  
 10 program from an accredited educational institution, which program is substantially  
 11 equivalent to the education requirements set forth in ~~paragraph (c) of subsection (2)~~  
 12 SUBSECTIONS (2)(c) of this section, as determined by the director by rule;

13 (b) Has passed a national examination in naturopathic medicine that is substantially  
 14 equivalent to the examination required in ~~paragraph (d) of subsection (2)~~ SUBSECTIONS  
 15 (2)(d) of this section, as determined by the director by rule; and

16 (c) Has at least ten years of related professional experience.  
 17

18 **12-250-108 [Formerly 12-37.3-107] Registration renewal or reinstatement -**  
 19 **fees.** ~~A naturopathic doctor shall renew or reinstate his or her registration pursuant to a~~  
 20 ~~schedule established by the director and the director shall renew or reinstate a registration~~  
 21 ~~in accordance with section 24-34-102 (8), C.R.S. The director may establish renewal fees~~  
 22 ~~and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person~~  
 23 ~~fails to renew his or her registration pursuant to the schedule established by the director, the~~  
 24 ~~registration expires~~ ISSUED PURSUANT TO THIS ARTICLE 250 IS SUBJECT TO THE RENEWAL,  
 25 EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION  
 26 12-20-202 (1) AND (2). A person whose registration expires is subject to the penalties  
 27 provided in this article **250** or section 24-34-102 (8), C.R.S. The director shall transmit fees  
 28 collected pursuant to this section or section 12-37.3-106 to the state treasurer for deposit in  
 29 the division of professions and occupations cash fund pursuant to section 24-34-105, C.R.S.  
 30 ***12-20-202 (1).*** <{*Redundant with renewal/reinstatement common provision, 12-20-202,*

31 ***and fees common provision, 12-20-105. Recommend amending as indicated.***>  
 32

33 **12-250-109. [Formerly 12-37.3-108] Continuing professional competency - rules.**

34 (1) (a) A naturopathic doctor shall maintain continuing professional competency to practice  
 35 naturopathic medicine.

36 (b) The director shall adopt rules establishing a continuing professional competency  
 37 program that includes, at a minimum, the following elements:

38 (I) A self-assessment of the knowledge and skills of a naturopathic doctor seeking

1 to renew or reinstate a registration;

2 (II) Development, execution, and documentation of a learning plan based on the  
3 assessment; and

4 (III) Periodic demonstration of knowledge and skills through documentation of  
5 activities necessary to ensure continuing competency in the profession; except that a  
6 naturopathic doctor need not retake any examination required by section ~~12-37.3-106(2)(d)~~  
7 **12-250-107 (2)(d)** for initial registration.

8 (c) The director shall establish that a naturopathic doctor satisfies the continuing  
9 competency requirements of this section if the naturopathic doctor meets the continuing  
10 professional competency requirements of one of the following entities:

11 (I) A state department, including continuing professional competency requirements  
12 imposed through a contractual arrangement with a provider;

13 (II) An accrediting body recognized by the director; or

14 (III) An entity approved by the director.

15 (d) (I) After the program is established, a naturopathic doctor shall satisfy the  
16 requirements of the program in order to renew or reinstate a registration to practice  
17 naturopathic medicine.

18 (II) The requirements of this section apply to individual naturopathic doctors, and  
19 nothing in this section requires a person who employs or contracts with a naturopathic  
20 doctor to comply with the requirements of this section.

21 (2) Records of assessments or other documentation developed or submitted in  
22 connection with the continuing professional competency program are confidential and not  
23 subject to inspection by the public or discovery in connection with a civil action against a  
24 naturopathic doctor. Neither the director nor any other person shall use the records or  
25 documents unless used by the director to determine whether a naturopathic doctor is  
26 maintaining continuing professional competency to engage in the profession.

27  
28 **12-250-110. [Formerly 12-37.3-109] Compliance with transparency**  
29 **requirements.** A naturopathic doctor shall comply with section ~~24-34-110, C.R.S.,~~  
30 **12-30-101** regarding the disclosure of information to the director. <{*Updating reference to*  
31 *Michael Skolnik transparency act, which is being relocated to 12-30-101.*}>

32  
33 **12-250-111. [Formerly 12-37.3-110] Persons entitled to practice as naturopathic**  
34 **doctors - title protection for naturopathic doctors.** (1) A person shall not hold himself  
35 or herself out as a naturopathic doctor or use any of the titles or initials referred to in  
36 subsection (2) of this section unless the person is registered as a naturopathic doctor  
37 pursuant to this article **250**.

38 (2) A naturopathic doctor may use the title "naturopathic doctor", or "doctor of

1 naturopathy", or the initials "N.D."

2 ~~(2.5)~~ (3) A naturopathic doctor shall qualify any specialty services provided to the  
3 public with "naturopathic" or "naturopath".

4 ~~(3)~~ (4) A naturopathic doctor shall not use:

5 (a) The term "physician" in describing the naturopathic doctor's registered  
6 naturopathic medicine practice in this state.

7 (b) The abbreviations "NMD" or "N.M.D.";

8 (c) The term "naturopathic medical doctor".

9 ~~(4)~~ (5) Nothing in this section prevents a naturopathic doctor from disclosing  
10 membership in national organizations or associations of naturopathic physicians unless the  
11 disclosure is false, misleading, or deceptive.

12 ~~(5)~~ (6) Nothing in this section prevents a person from using the term "doctor" or the  
13 title "Dr." if he or she satisfies the requirements of section 6-1-707 (1)(a). ~~C.R.S.~~

14  
15 **12-250-112. [Formerly 12-37.3-111] Disclosures - record keeping.** (1) A  
16 naturopathic doctor shall provide the following information in writing to each patient in a  
17 format required by the director:

18 (a) The naturopathic doctor's name, business address, and telephone number;

19 (b) The nature of the services to be provided;

20 (c) A statement that naturopathic doctors are registered by the state to practice  
21 naturopathic medicine under the "Naturopathic Doctor Act";

22 (d) The prohibitions specified in section ~~12-37.3-105 (2)~~ **12-250-106 (2)**;

23 (e) The states in which the naturopathic doctor holds an active license or registration;

24 and

25 (f) How to file a complaint against a naturopathic doctor.

26 (2) A naturopathic doctor shall obtain a written acknowledgment from the patient  
27 stating that the patient has been provided the information described in subsection (1) of this  
28 section. The naturopathic doctor shall retain the acknowledgment for seven years after the  
29 date on which the last services were provided to the patient.

30 (3) If a naturopathic doctor treats any patient who is seeking treatment for cancer,  
31 the naturopathic doctor shall recommend to the patient that the patient consult with a  
32 licensed physician specializing in oncology and document the recommendation in writing.

33  
34 **12-250-113. [Formerly 12-37.3-112] Grounds for discipline - disciplinary actions**  
35 **authorized - procedures - definitions.** (1) **The director may deny, revoke, or suspend the**  
36 **registration of, issue a letter of admonition to, or place on probation TAKE DISCIPLINARY OR**  
37 **OTHER ACTION AS SPECIFIED IN SECTION 12-20-404 AGAINST a naturopathic doctor for any**  
38 **of the following acts or omissions:** <{*Redundant with disciplinary actions common*

1 *provision, 12-20-404. Recommend amending as indicated.*>

2 (a) Violating, or aiding or abetting another in the violation of, this article **250** or any  
3 rule promulgated by the director pursuant to this article **250** OR SECTION 12-20-204;  
4 <{*Recommend adding reference to general rule-making authority.*>

5 (b) Falsifying information in any application, attempting to obtain or obtaining a  
6 registration by fraud, deceit, or misrepresentation, or aiding or abetting ~~such~~ THE act;

7 (c) Engaging in an act or omission that does not meet generally accepted standards  
8 of practice of naturopathic medicine or of safe care for patients, whether or not actual injury  
9 to a patient is established;

10 (d) Habitual or excessive use or abuse of alcohol, a habit-forming drug, or a  
11 controlled substance as defined in section 18-18-102 (5); ~~C.R.S.~~;

12 (e) Failing to refer a patient to an appropriate health care professional when the  
13 services required by the patient are beyond the level of competence of the naturopathic  
14 doctor or beyond the scope of naturopathic medicine practice;

15 (f) Violation of a law or regulation governing the practice of naturopathic medicine  
16 in another jurisdiction;

17 (g) Falsifying, repeatedly failing to make essential entries in, or repeatedly making  
18 incorrect essential entries in patient records;

19 (h) Conviction of a felony, an offense of moral turpitude, or a crime that would  
20 constitute a violation of this article **250**. For purposes of this ~~paragraph (h)~~ SUBSECTION  
21 (1)(h), "conviction" includes the entry of a plea of guilty or nolo contendere or the  
22 imposition of a deferred sentence or judgment.

23 (i) Advertising through newspapers, magazines, circulars, direct mail, directories,  
24 radio, television, or otherwise that the naturopathic doctor will perform any act prohibited  
25 by this article **250**;

26 (j) Engaging in a sexual act with a patient during the course of patient care or within  
27 six months immediately following the written termination of the professional relationship  
28 with the patient. As used in this ~~paragraph (j)~~ SUBSECTION (1)(j), "sexual act" means sexual  
29 contact, sexual intrusion, or sexual penetration, as those terms are defined in section  
30 18-3-401. ~~C.R.S.~~

31 (k) Committing abuse of health insurance, as prohibited by section 18-13-119;  
32 ~~C.R.S.~~;

33 (l) Advertising through newspapers, magazines, circulars, direct mail, directories,  
34 radio, television, or otherwise that the naturopathic doctor will perform any act prohibited  
35 by section 18-13-119 (3); ~~C.R.S.~~;

36 (m) Violating a valid order of the director;

37 (n) Failing to report to the director, within thirty days after an adverse action, that an  
38 adverse action has been taken against the naturopathic doctor by a licensing agency in

1 another state or country, a peer review body, a health care institution, a professional or  
2 naturopathic medical society or association, a governmental agency, a law enforcement  
3 agency, or a court for acts or conduct that would constitute grounds for disciplinary or  
4 adverse action as described in this article **250**;

5 (o) Failing to report to the director, within thirty days:

6 (I) The surrender of a license or other authorization to practice as a naturopathic  
7 doctor in another state or jurisdiction; or

8 (II) The surrender of membership on a medical staff or in a naturopathic medical or  
9 professional association or society while under investigation by any of those authorities or  
10 bodies for acts or conduct similar to acts or conduct that would constitute grounds for action  
11 as described in this article **250**;

12 (p) (I) Failing to notify the director of a physical illness; a physical condition; or a  
13 behavioral, mental health, or substance use disorder that affects the naturopathic doctor's  
14 ability to treat patients with reasonable skill and safety or that may endanger the health or  
15 safety of persons under his or her care;

16 (II) Failing to act within the limitations created by a physical illness; a physical  
17 condition; or a behavioral, mental health, or substance use disorder that renders the  
18 naturopathic doctor unable to practice naturopathic medicine with reasonable skill and safety  
19 or that may endanger the health or safety of persons under his or her care; or

20 (III) Failing to comply with the limitations agreed to under a confidential agreement  
21 entered pursuant to section ~~12-37.3-116~~ **12-250-118 and 12-30-107**; <{Adding reference  
22 to confidential agreements common provision, 12-30-107.}>

23 (q) Failing to timely respond to a complaint filed against the naturopathic doctor;

24 (r) Failing to develop a written plan for the security of patient medical records in  
25 accordance with section ~~12-37.3-115~~ **12-250-117**;

26 (s) Refusing to submit to a physical or mental examination when so ordered by the  
27 director pursuant to section ~~12-37.3-117~~ **12-250-119 and 12-30-108**; <{Adding reference  
28 to mental/physical exams common provision, 12-30-108.}>

29 (t) Failing to obtain and continually maintain professional liability insurance as  
30 required by section ~~12-37.3-114~~ **12-250-115**.

31 (2) In addition to or as an alternative to the discipline authorized by subsection (1)  
32 of this section, the director may assess an administrative fine of up to five thousand dollars  
33 against a naturopathic doctor who commits any of the acts or omissions described in  
34 subsection (1) of this section. ~~The director shall transmit any moneys collected pursuant to~~  
35 ~~this subsection (2) to the state treasurer for deposit in the general fund.~~ <{Redundant with  
36 disposition of fines common provision, 12-20-404 (6). Recommend striking sentence as  
37 indicated.}>

38 ~~(3) Any person whose registration is revoked or who surrenders his or her~~

1 registration to avoid discipline is ineligible to apply for a registration under this article for  
 2 at least two years after the date of revocation or surrender of the registration. <{***Redundant***  
 3 ***with waiting period common provision, 12-20-404 (3). Recommend repealing.***>

4 (4) (3) The director shall conduct any DISCIPLINARY proceeding to deny, suspend,  
 5 or revoke a registration or place a naturopathic doctor on probation in accordance with  
 6 sections 24-4-104, and 24-4-105, C.R.S. The director may designate an administrative law  
 7 judge pursuant to part 10 of article 30 of title 24, C.R.S., to conduct the proceeding. The  
 8 administrative law judge shall conduct the proceeding in accordance with sections 24-4-104  
 9 and 24-4-105, C.R.S. AND 12-20-403. A final decision of the director or the administrative  
 10 law judge is subject to judicial review by the court of appeals pursuant to section 24-4-106  
 11 (11), C.R.S. IN ACCORDANCE WITH SECTION 12-20-408. <{***Redundant with disciplinary***  
 12 ***procedures common provision, 12-20-403, and judicial review common provision,***  
 13 ***12-20-408. Recommend amending as indicated.***>

14 (5) (4) The director may accept as prima facie evidence of grounds for disciplinary  
 15 action any disciplinary action taken against a naturopathic doctor by another jurisdiction if  
 16 the violation that prompted the disciplinary action would be grounds for disciplinary action  
 17 under this article 250.

18 (6) (a) (5) WHEN the director or an administrative law judge may administer oaths,  
 19 take affirmations of witnesses, and issue ISSUES subpoenas IN ACCORDANCE WITH SECTION  
 20 12-20-403 (2) to compel the attendance of witnesses and the production of all relevant  
 21 papers, books, records, documentary evidence, and materials, in any hearing, investigation,  
 22 accusation, or other matter before the director or administrative law judge. The director may  
 23 appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to  
 24 take evidence and to make findings and report them to the director, including hospital and  
 25 naturopathic doctor records, the person providing copies of records shall prepare the copies  
 26 from the original record, deleting the name of the patient and instead identifying the patient  
 27 by a numbered code. Upon certification by the custodian that the copies are true and  
 28 complete except for the patient's name, the copies are deemed authentic, subject to the right  
 29 to inspect the originals for the limited purpose of ascertaining the accuracy of the copies.  
 30 The copies are not confidential, and the director or custodian of the records and their  
 31 authorized employees are not liable for furnishing or using the copies in accordance with  
 32 this section. <{***Partially redundant with disciplinary procedures/subpoena powers***  
 33 ***common provision, 12-20-403 (2)(a) & (3). Recommend amending as indicated.***>

34 (b) If a witness or naturopathic doctor fails to comply with a subpoena or process,  
 35 the director may apply to the district court of the county in which the subpoenaed person or  
 36 naturopathic doctor resides or conducts business for an order directing the person or  
 37 naturopathic doctor to appear before the director, to produce the relevant papers, books,  
 38 records, documentary evidence, or materials if so ordered; or to give evidence touching the

1 matter under investigation or in question. The director shall provide notice to the  
2 subpoenaed person or naturopathic doctor of the director's application to the district court,  
3 and the court shall not issue the order absent the notice. If the subpoenaed person or  
4 naturopathic doctor fails to obey the court's order, the court may hold the person in contempt  
5 of court. <{***Redundant with disciplinary procedures/subpoena powers common provision,***  
6 ***12-20-403 (2)(b). Recommend repealing.***>

7 (7) (a) When a complaint or investigation discloses an instance of misconduct that,  
8 in the opinion of the director, does not warrant formal action by the director but that should  
9 not be dismissed as being without merit, the director may issue a letter of admonition to the  
10 naturopathic doctor.

11 (b) When the director sends a letter of admonition to a registrant, the letter must  
12 advise the registrant that he or she has the right to request in writing, within twenty days  
13 after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the  
14 propriety of the conduct upon which the letter of admonition is based.

15 (c) If the registrant timely requests adjudication, the director shall vacate the letter  
16 of admonition and process the matter by means of formal disciplinary proceedings.  
17 <{***Subsection (7) redundant with letters of admonition common provision, 12-20-404 (4).***  
18 ***Recommend repealing.***>

19 (8) When a complaint or investigation discloses an instance of conduct that does not  
20 warrant formal action by the director and, in the opinion of the director, should be dismissed,  
21 but the director has noticed indications of possible errant conduct by the registrant that could  
22 lead to serious consequences if not corrected, the director may send the registrant a  
23 confidential letter of concern. <{***Redundant with confidential letters of concern common***  
24 ***provision, 12-20-404 (5). Recommend repealing.***>

25 (9) When a complaint or an investigation discloses an instance of misconduct that,  
26 in the opinion of the director, warrants formal action, the director shall not resolve the  
27 complaint by a deferred settlement, action, judgment, or prosecution. <{***Subsection (9)***  
28 ***redundant with no deferment common provision, 12-20-404 (2). Recommend***  
29 ***repealing.***>

30 (10) (a) If it appears to the director, based upon credible evidence as presented in a  
31 written complaint by any person, that a registrant is acting in a manner that is an imminent  
32 threat to the health and safety of the public or a person is acting or has acted without the  
33 required registration, the director may issue an order to cease and desist the activity. The  
34 director shall set forth in the order the statutes and rules alleged to have been violated, the  
35 facts alleged to have constituted the violation, and the requirement that all unlawful acts or  
36 unregistered practices immediately cease.

37 (b) Within ten days after service of the order to cease and desist pursuant to  
38 paragraph (a) of this subsection (10), the respondent may request a hearing on the question

1 of whether acts or practices in violation of this article have occurred. The director or  
2 administrative law judge shall conduct the hearing in accordance with sections 24-4-104 and  
3 24-4-105, C.R.S.

4 (11)(a) If it appears to the director, based upon credible evidence as presented in a  
5 written complaint by any person, that a person has violated any other portion of this article,  
6 the director may issue to the person an order to show cause as to why the director should not  
7 issue a final order directing the person to cease and desist from the unlawful act or  
8 unregistered practice.

9 (b) The director shall promptly notify the person that he or she has been issued an  
10 order to show cause. The director shall include in the notice a copy of the order, the factual  
11 and legal basis for the order, and the date set by the director for a hearing on the order. The  
12 director may serve the notice on the person by personal service, by first-class United States  
13 mail, postage prepaid, or in any other manner that is practicable. Personal service or mailing  
14 of an order or document pursuant to this subsection (11) constitutes notice to the person.

15 (c)(I) The director shall commence the hearing on an order to show cause no earlier  
16 than ten and no later than forty-five calendar days after the date of transmission or service  
17 of the notification by the director as provided in paragraph (b) of this subsection (11). The  
18 director may continue the hearing upon agreement of all parties based upon the complexity  
19 of the matter, the number of parties to the matter, and the legal issues presented in the matter,  
20 but in no event shall the director continue the hearing more than sixty calendar days after the  
21 date of transmission or service of the notification.

22 (II) If a person against whom an order to show cause has been issued pursuant to  
23 paragraph (a) of this subsection (11) does not appear at the hearing, the director may present  
24 evidence that notification was properly sent or served upon the person pursuant to paragraph  
25 (b) of this subsection (11) and other evidence related to the matter that the director deems  
26 appropriate. The director shall issue the order within ten days after the director's  
27 determination related to reasonable attempts to notify the respondent, and the order is final  
28 as to that person by operation of law. The director shall conduct the hearing in accordance  
29 with sections 24-4-104 and 24-4-105, C.R.S.

30 (III) If the director reasonably finds that the person against whom the order to show  
31 cause was issued is acting or has acted without the required registration or has or is about  
32 to engage in acts or practices constituting violations of this article, the director may issue a  
33 final cease-and-desist order directing the person to cease and desist from further unlawful  
34 acts or unregistered practices.

35 (IV) The director shall provide notice, in the manner set forth in paragraph (b) of this  
36 subsection (11), of the final cease-and-desist order within ten calendar days after the hearing  
37 conducted pursuant to this paragraph (c) to each person against whom the final order has  
38 been issued. The final order is effective when issued and is a final order for purposes of

1 ~~judicial review.~~

2 (12) ~~The director may enter into a stipulation with a person if it appears to the~~  
3 ~~director, based upon credible evidence presented to the director, that the person has engaged~~  
4 ~~in or is about to engage in:~~

5 (a) ~~An unregistered act or practice;~~

6 (b) ~~An act or practice constituting a violation of this article or of any rule~~  
7 ~~promulgated pursuant to this article;~~

8 (c) ~~A violation of an order issued pursuant to this article; or~~

9 (d) ~~An act or practice constituting grounds for administrative sanction pursuant to~~  
10 ~~this article.~~

11 (13) ~~If a person fails to comply with a final cease-and-desist order or a stipulation,~~  
12 ~~the director may request the attorney general or the district attorney for the judicial district~~  
13 ~~in which the alleged violation occurred or is occurring to bring, and if so requested the~~  
14 ~~attorney shall bring, suit for a temporary restraining order and for injunctive relief to prevent~~  
15 ~~any further or continued violation of the final order.~~

16 (14) ~~A person aggrieved by the final cease-and-desist order may seek judicial review~~  
17 ~~of the director's determination or of the director's final order in a court of competent~~  
18 ~~jurisdiction.~~

19 (6) ~~THE DIRECTOR MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE~~  
20 ~~CIRCUMSTANCES AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION~~  
21 ~~12-20-405. <{Subsections (10) through (14) are redundant with the cease-and-desist~~  
22 ~~common provision, 12-20-405. Recommend repealing and replacing with reference to~~  
23 ~~common provision.}>~~

24  
25 **12-250-114. [Formerly 12-37.3-113] Unauthorized practice - penalties.** ~~A person~~  
26 ~~who practices or offers or attempts to practice as a naturopathic doctor without an active~~  
27 ~~registration issued under this article commits a class 2 misdemeanor and shall be punished~~  
28 ~~as provided in section 18-1.3-501, C.R.S. 250 IS SUBJECT TO PENALTIES PURSUANT TO~~  
29 ~~SECTION 12-20-407 (1)(c). <{Redundant with unauthorized practice common provision,~~  
30 ~~12-20-407. Recommend amending as indicated.}>~~

31  
32 **12-250-115. [Formerly 12-37.3-114] Professional liability insurance required -**  
33 **vicarious liability - rules.** (1) It is unlawful for a person to practice as a naturopathic doctor  
34 in this state unless the person is covered by professional liability insurance in an amount not  
35 less than one million dollars.

36 (2) Professional liability insurance required by this section must cover all acts within  
37 the scope of practice of a naturopathic doctor.

38 (3) A naturopathic doctor is liable for his or her acts or omissions in the performance

1 of naturopathic medicine.  
2

3 **12-250-116. [Formerly 12-37.3-114.5] Judgments and settlements - reporting.** In  
4 accordance with section 10-1-125.5, a naturopathic doctor's malpractice insurance carrier  
5 shall report to the director information relating to a final judgment or settlement against the  
6 naturopathic doctor for malpractice. The director shall review the information and  
7 investigate and, as appropriate, take disciplinary or other action against the naturopathic  
8 doctor.  
9

10 **12-250-117. [Formerly 12-37.3-115] Protection of medical records - registrant's**  
11 **obligations - verification of compliance - noncompliance grounds for discipline - rules.**

12 (1) Each naturopathic doctor shall develop a written plan to ensure the security of patient  
13 medical records. The plan must address at least the following:

14 (a) The storage and proper disposal of patient medical records;

15 (b) The disposition of patient medical records in the event the naturopathic doctor  
16 dies, retires, or otherwise ceases to practice or provide naturopathic medical care to patients;  
17 and

18 (c) The method by which patients may access or obtain their medical records  
19 promptly if any of the events described in ~~paragraph (b) of this subsection (1)~~ SUBSECTION  
20 (1)(b) OF THIS SECTION occurs.

21 (2) Upon initial registration under this article **250**, the applicant or registrant shall  
22 attest to the director that he or she has developed a plan in compliance with this section.

23 (3) A naturopathic doctor shall inform each patient in writing of the method by  
24 which the patient may access or obtain his or her medical records if an event described in  
25 ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section occurs.

26 (4) The director may adopt rules reasonably necessary to implement this section.  
27

28 **12-250-118. [Formerly 12-37.3-116] Confidential agreement to limit practice -**  
29 **violation - grounds for discipline.** ~~(1) If a naturopathic doctor has a physical illness; a~~  
30 ~~physical condition; or a behavioral or mental health disorder that renders him or her unable~~  
31 ~~to practice naturopathic medicine with reasonable skill and safety to patients, the~~  
32 ~~naturopathic doctor shall notify the director of the physical illness; the physical condition;~~  
33 ~~or the behavioral or mental health disorder in a manner and within a period determined by~~  
34 ~~the director. The director may require the naturopathic doctor to submit to an examination~~  
35 ~~to evaluate the extent of the physical illness; the physical condition; or the behavioral or~~  
36 ~~mental health disorder and its impact on the naturopathic doctor's ability to practice~~  
37 ~~naturopathic medicine with reasonable skill and safety to patients.~~

38 (2)(a) Upon determining that a naturopathic doctor with a physical illness; a physical

1 condition; or a behavioral or mental health disorder is able to render limited services with  
2 reasonable skill and safety to patients, the director may enter into a confidential agreement  
3 with the naturopathic doctor in which the naturopathic doctor agrees to limit his or her  
4 practice based on the restrictions imposed by the physical illness; the physical condition; or  
5 the behavioral or mental health disorder, as determined by the director.

6 (b) As part of the agreement, the naturopathic doctor is subject to periodic  
7 reevaluations or monitoring as determined appropriate by the director.

8 (c) The parties may modify or dissolve the agreement as necessary based on the  
9 results of a reevaluation or monitoring.

10 (3) By entering into an agreement with the director pursuant to this section to limit  
11 his or her practice, a naturopathic doctor is not engaging in activities that are prohibited  
12 pursuant to section 12-37.3-112. The agreement does not constitute a restriction or discipline  
13 by the director. However, if the naturopathic doctor fails to comply with the terms of an  
14 agreement entered into pursuant to this section, the failure constitutes a prohibited activity  
15 pursuant to section 12-37.3-112 (1)(p), and the naturopathic doctor is subject to discipline  
16 in accordance with section 12-37.3-112.

17 (4) This section does not apply to a naturopathic doctor subject to discipline for  
18 prohibited activities as described in section 12-37.3-112 (1)(d).

19 SECTION 12-30-107 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE  
20 APPLIES TO THIS ARTICLE 250. <{*Redundant with confidential agreements common*  
21 *provision, 12-30-107. Recommend repealing and replacing with reference to common*  
22 *provision as indicated.*>

24 **12-250-119. [Formerly 12-37.3-117] Mental and physical examination of**  
25 **registrants.** (1) (a) If the director has reasonable cause to believe that a registrant is unable  
26 to practice with reasonable skill and safety UNDER THE CIRCUMSTANCES AND IN  
27 ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-30-108, the director may  
28 require the registrant to take a mental or physical examination by a health care provider  
29 designated by the director.

30 (b) If the registrant refuses to undergo a mental or physical examination, unless due  
31 to circumstances beyond the registrant's control, the director may suspend the registrant's  
32 registration until the results of the examination are known and the director has made a  
33 determination of the registrant's fitness to practice. The director shall proceed with an order  
34 for examination and determination in a timely manner. <{*The unhighlighted portion of*  
35 *paragraph (b) is consistent with the mental/physical exams common provision, 12-30-108*  
36 *(1)(b)(I). However, the highlighted portion refers to suspension "until the results of the*  
37 *examination are known and the director has made a determination of the registrant's*  
38 *fitness to practice" rather than "until the required examinations are conducted" in the*

1 common provision, 12-30-108 (1)(b)(I). Also, this provision requires the director to  
2 proceed in a timely manner. This requirement is not in the common provision. }>

3 (2) The director shall include in an order issued under subsection (1) of this section  
4 the basis of the director's reasonable cause to believe that the registrant is unable to practice  
5 with reasonable skill and safety. For the purposes of a disciplinary proceeding authorized  
6 by this article, the registrant is deemed to waive all objections to the admissibility of the  
7 examining health care provider's testimony or examination reports on the ground that the  
8 testimony and reports are privileged communications. <{Redundant with mental/physical  
9 exams common provision, 12-30-108 (1)(c) and 2nd sentence of (2). Could repeal as  
10 indicated. }>

11  
12 <{Note that the common provision, in 12-30-107 (2) 1st sentence, also contains the  
13 following language that does NOT appear in this section: "Every nurse LICENSEE,  
14 CERTIFICATE HOLDER, OR REGISTRANT AUTHORIZED TO PRACTICE A HEALTH CARE  
15 PROFESSION REGULATED BY A PART OR ARTICLE OF THIS TITLE 12 shall be deemed, by so  
16 practicing or by applying for renewal registration of such nurse's THE license,  
17 CERTIFICATE, OR REGISTRATION, to have consented to submit to mental or physical  
18 examinations when directed in writing by the board APPLICABLE REGULATOR." Should  
19 this provision be specifically excluded from applicability to naturopathic doctors since it  
20 does not appear in the mental/physical exams provision in the naturopathic doctors  
21 practice act? }>

22 (3) (2) The registrant may submit to the director testimony or examination reports  
23 from a health care provider chosen by the registrant pertaining to the condition that the  
24 director alleges may preclude the registrant from practicing with reasonable skill and safety.  
25 The director may consider testimony and examination reports submitted by the registrant in  
26 conjunction with, but not in lieu of, testimony and examination reports of the health care  
27 provider designated by the director. <{Stricken from common provision, 12-30-108 (2), 4th  
28 sentence, so recommend retaining. }>

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 ... SUBSECTION (1)(a) OF THIS SECTION." Should this provision be specifically  
36 excluded from applicability to naturopathic doctors since it does not appear in the  
37 mental/physical exams provision in the naturopathic doctors practice act? }>

1 (4) A person shall not use the results of any mental or physical examination ordered  
2 by the director as evidence in any proceeding other than one before the director. The  
3 examination results are not public records and are not available to the public. <{*Redundant*  
4 *with mental/physical exams common provision, 12-30-108 (3). Could repeal as*  
5 *indicated.*}>

6  
7 **12-250-120. [Formerly 12-37.3-118] Inactive registration - rules.** A naturopathic  
8 doctor may request that the director inactivate or activate the naturopathic doctor's  
9 registration. The director shall promulgate rules governing the activation and inactivation  
10 of registrations. Notwithstanding any law to the contrary, the director's rules may limit the  
11 applicability of statutory requirements for maintaining professional liability insurance and  
12 continuing professional competency for a registrant whose registration is currently inactive.  
13 The director need not reactivate an inactive registration if the naturopathic doctor has  
14 committed any act that would be grounds for disciplinary action under section ~~12-37.3-112~~  
15 **12-250-113.** A naturopathic doctor whose registration is currently inactive shall not practice  
16 naturopathic medicine.

17  
18 **12-250-121. [Formerly 12-37.3-119] Repeal of article - definition.** (1) This article  
19 ~~37.3 250~~ is repealed, effective September 1, 2020. Before its repeal, ~~the department of~~  
20 ~~regulatory agencies shall review~~ the registration of naturopathic doctors IS SCHEDULED FOR  
21 REVIEW in accordance with section 24-34-104.

22 (2) (a) In conducting its review, the department shall gather and include in its report  
23 information from naturopathic doctors regarding the number of children under two years of  
24 age that naturopathic doctors treated, the conditions for which naturopathic doctors treated  
25 children under two years of age, and the number and description of any adverse events that  
26 occurred in connection with treating children under two years of age. Additionally, the  
27 department shall review written collaborative agreements kept on file by naturopathic  
28 doctors pursuant to section ~~12-37.3-105-(2)(e)(HH)~~ **12-250-106 (2)(e)(III)** and include a  
29 summary of those agreements in its report.

30 (b) As used in this subsection (2), "adverse event" means any harm to a child under  
31 two years of age that the treating naturopathic doctor is aware of and that resulted or likely  
32 resulted from the naturopathic doctor's care of the child. Reporting an adverse event to the  
33 department pursuant to this section does not, alone, constitute grounds for discipline  
34 pursuant to section ~~12-37.3-112~~ **12-250-113.**