

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 **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 (II) of this paragraph (e)~~ 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 (e)~~ 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) 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;

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

- (A) Obtaining, administering, or dispensing epinephrine to treat anaphylaxis;
 - (B) Obtaining and dispensing barrier contraceptives, excluding intrauterine devices;
 - (C) Obtaining and administering oxygen, but only for emergency use;
 - (D) Obtaining and administering vitamins B6 and B12;

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

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

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

(d) Performing minor office procedures.

(2) A naturopathic doctor shall not:

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

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

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

(d) Administer ionizing radioactive substances for therapeutic purposes;

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

(I) Provides to the parent or legal guardian of the child a copy of the most recent

immunizations schedule recommended by the advisory committee on immunization practices to the centers for disease control and prevention in the federal department of health and human services ACIP and recommends that the parent or legal guardian follow the immunizations schedule;

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

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)(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 (III) 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 (III) 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 (e) 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 - fees.** A naturopathic doctor shall renew or reinstate his or her registration pursuant to a
19 schedule established by the director and the director shall renew or reinstate a registration
20 in accordance with section 24-34-102 (8), C.R.S. The director may establish renewal fees
21 and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person
22 fails to renew his or her registration pursuant to the schedule established by the director, the
23 registration expires ISSUED PURSUANT TO THIS ARTICLE 250 IS SUBJECT TO THE RENEWAL,
24 EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION
25 12-20-202 (1) AND (2). A person whose registration expires is subject to the penalties
26 provided in this article ~~250~~ or section 24-34-102 (8), C.R.S. The director shall transmit fees
27 collected pursuant to this section or section 12-37.3-106 to the state treasurer for deposit in
28 the division of professions and occupations cash fund pursuant to section 24-34-105, C.R.S.
29 **12-20-202 (1).** <{Redundant with renewal/reinstatement common provision, 12-20-202,
30 and fees common provision, 12-20-105. Recommend amending as indicated.}>
31

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). E.R.S.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

(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

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

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

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

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

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

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

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

(b) Within ten days after service of the order to cease and desist pursuant to 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.>>

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.>>

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
provision, 12-30-107. Recommend repealing and replacing with reference to common
provision as indicated.}*>

21 **12-250-119. [Formerly 12-37.3-117] Mental and physical examination of
registrants.** (1) (a) If the director has reasonable cause to believe that a registrant is unable
22 to practice with reasonable skill and safety **UNDER THE CIRCUMSTANCES AND IN
ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-30-108,** the director may
23 require the registrant to take a mental or physical examination by a health care provider
24 designated by the director.

25 (b) If the registrant refuses to undergo a mental or physical examination, unless due to
26 circumstances beyond the registrant's control, the director may suspend the registrant's
27 registration **until the results of the examination are known and the director has made a**
28 **determination of the registrant's fitness to practice.** The director shall proceed with an order
29 for examination and determination in a timely manner. <*{The unhighlighted portion of
paragraph (b) is consistent with the mental/physical exams common provision, 12-30-108
(1)(b)(I). However, the highlighted portion refers to suspension "until the results of the
examination are known and the director has made a determination of the registrant's
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 **12-250-120. [Formerly 12-37.3-118] Inactive registration - rules.** A naturopathic
7 doctor may request that the director inactivate or activate the naturopathic doctor's
8 registration. The director shall promulgate rules governing the activation and inactivation
9 of registrations. Notwithstanding any law to the contrary, the director's rules may limit the
10 applicability of statutory requirements for maintaining professional liability insurance and
11 continuing professional competency for a registrant whose registration is currently inactive.
12 The director need not reactivate an inactive registration if the naturopathic doctor has
13 committed any act that would be grounds for disciplinary action under section 12-37.3-112
14 **12-250-113.** A naturopathic doctor whose registration is currently inactive shall not practice
15 naturopathic medicine.

16
17 **12-250-121. [Formerly 12-37.3-119] Repeal of article - definition.** (1) This article
18 **37.3 250** is repealed, effective September 1, 2020. Before its repeal, ~~the department of~~ regulatory agencies shall review the registration of naturopathic doctors IS SCHEDULED FOR
19 REVIEW in accordance with section 24-34-104.

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

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