

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0303.01 Christy Chase x2008

SENATE BILL 17-106

SENATE SPONSORSHIP

Aguilar and Coram, Kefalas

HOUSE SPONSORSHIP

Singer,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - Senate Health and Human Services

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Committee. The bill implements the recommendations of the department of regulatory agencies, as contained in the department's sunset review of naturopathic doctors, as follows:

- ! Continues the regulation of naturopathic doctors by the director of the division of professions and occupations for 5 years, until September 1, 2022 (**sections 1 and 2**);
- ! Requires insurance carriers to report to the director any malpractice judgments against or settlements entered into by a naturopathic doctor (**sections 4 and 5**);
- ! Adds naturopathic doctors to the list of persons required to report child abuse or neglect (**section 7**) and mistreatment of at-risk elders and at-risk adults with intellectual and developmental disabilities (**section 6**);
- ! Clarifies that the naturopathic formulary that lists the medicines naturopathic doctors may use in the practice of naturopathic medicine includes prescription substances and devices authorized under the "Naturopathic Doctor Act" (**section 3**); and
- ! Corrects the name of the homeopathic pharmacopoeia as it appears in the act (**section 3**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **amend**
3 (23)(a) introductory portion; **repeal** (13)(a)(V); and **add** (23)(a)(VIII) as
4 follows:

5 **24-34-104. General assembly review of regulatory agencies**
6 **and functions for repeal, continuation, or reestablishment - legislative**
7 **declaration - repeal.** (13) (a) The following agencies, functions, or both,
8 will repeal on September 1, 2017:

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

11 (23) (a) The following agencies, functions, or both, ~~will~~ ARE
12 SCHEDULED FOR repeal on September 1, 2022:

13 (VIII) THE REGISTRATION OF NATUROPATHIC DOCTORS IN
14 ACCORDANCE WITH ARTICLE 37.3 OF TITLE 12.

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

3 **12-37.3-119. Repeal of article.** (1) This ~~article~~ ARTICLE 37.3 is
4 repealed, effective ~~September 1, 2017.~~ Prior to the SEPTEMBER 1, 2022.
5 BEFORE ITS repeal, the department of regulatory agencies shall review
6 ~~registering~~ THE REGISTRATION of naturopathic doctors ~~as provided~~ in
7 ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

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

10 **12-37.3-102. Definitions.** As used in this ~~article~~ ARTICLE 37.3,
11 unless the context otherwise requires:

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

15 (11) "Naturopathic formulary" means the list of nonprescription
16 classes of medicines determined by the director that naturopathic doctors
17 use in the practice of naturopathic medicine. "NATUROPATHIC
18 FORMULARY" INCLUDES ANY PRESCRIPTION SUBSTANCE OR DEVICE THAT
19 A NATUROPATHIC DOCTOR IS AUTHORIZED UNDER THIS ARTICLE 37.3 TO
20 OBTAIN, DISPENSE, OR ADMINISTER.

21 **SECTION 4.** In Colorado Revised Statutes, **add** 12-37.3-114.5
22 as follows:

23 **12-37.3-114.5. Judgments and settlements - reporting.** IN
24 ACCORDANCE WITH SECTION 10-1-125.5, A NATUROPATHIC DOCTOR'S
25 MALPRACTICE INSURANCE CARRIER SHALL REPORT TO THE DIRECTOR
26 INFORMATION RELATING TO A FINAL JUDGMENT OR SETTLEMENT AGAINST
27 THE NATUROPATHIC DOCTOR FOR MALPRACTICE. THE DIRECTOR SHALL

1 REVIEW THE INFORMATION AND INVESTIGATE AND, AS APPROPRIATE, TAKE
2 DISCIPLINARY OR OTHER ACTION AGAINST THE NATUROPATHIC DOCTOR.

3 **SECTION 5.** In Colorado Revised Statutes, **add** 10-1-125.5 as
4 follows:

5 **10-1-125.5. Reporting of malpractice claims against**
6 **naturopathic doctors.** EACH INSURANCE COMPANY LICENSED TO DO
7 BUSINESS IN THIS STATE AND ENGAGED IN WRITING MALPRACTICE
8 INSURANCE FOR NATUROPATHIC DOCTORS REGISTERED UNDER ARTICLE
9 37.3 OF TITLE 12 SHALL SEND TO THE DIRECTOR OF THE DIVISION OF
10 PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY
11 AGENCIES, IN THE FORM PRESCRIBED BY THE COMMISSIONER,
12 INFORMATION RELATING TO EACH MALPRACTICE CLAIM AGAINST A
13 REGISTERED NATUROPATHIC DOCTOR THAT IS SETTLED OR IN WHICH
14 JUDGMENT IS RENDERED AGAINST THE INSURED NATUROPATHIC DOCTOR.
15 THE INSURANCE COMPANY SHALL INCLUDE ANY INFORMATION THE
16 DIRECTOR DETERMINES NECESSARY TO ENABLE THE DIRECTOR TO
17 CONDUCT A FURTHER INVESTIGATION AND HEARING.

18 **SECTION 6.** In Colorado Revised Statutes, 18-6.5-108, **amend**
19 (1)(b) introductory portion and (1)(b)(I) as follows:

20 **18-6.5-108. Mandatory reports of mistreatment of at-risk**
21 **elders and at-risk adults with IDD - list of reporters - penalties.**

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

25 (I) Any person providing health care or health-care-related
26 services, including general medical, surgical, or nursing services;
27 medical, surgical, or nursing speciality services; dental services; vision

1 services; pharmacy services; chiropractic services; NATUROPATHIC
2 MEDICINE SERVICES; or physical, occupational, musical, or other
3 therapies;

4 **SECTION 7.** In Colorado Revised Statutes, 19-3-304, **amend**
5 (2)(jj) and (2)(kk); and **add** (2)(ll) as follows:

6 **19-3-304. Persons required to report child abuse or neglect.**

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

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

14 (kk) Emergency medical service providers, as defined in sections
15 25-3.5-103 (8) and 25-3.5-103 (12) ~~C.R.S.~~; and certified pursuant to part
16 2 of article 3.5 of title 25; ~~C.R.S.~~ AND

17 (ll) NATUROPATHIC DOCTOR REGISTERED UNDER ARTICLE 37.3 OF
18 TITLE 12.

19 **SECTION 8. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.