

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0525.01 Kristen Forrestal x4217

HOUSE BILL 20-1210

HOUSE SPONSORSHIP

Caraveo and Duran, Buckner, Soper, Titone

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE STATE BOARD OF
102 CHIROPRACTIC EXAMINERS, AND, IN CONNECTION THEREWITH,
103 IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE
104 2019 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY
105 AGENCIES.

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 - House Health and Insurance Committee. The bill implements the recommendations of the department of regulatory

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

agencies' sunset review and report on the functions of the state board of chiropractic examiners (board) by:

- ! Continuing the board for 9 years, until 2029 (**sections 1 and 2** of the bill);
- ! Repealing the requirement that members of the board be citizens of the United States (**section 1**);
- ! Repealing the requirement that an applicant for licensure pass the examination given by the National Board of Chiropractic Examiners and authorizing the board to determine the appropriate examination (**section 4**);
- ! Changing the continuing education requirements for a licensed chiropractor (licensee) from 15 hours annually to 30 hours every 2 years (**section 5**);
- ! Clarifying the grounds for discipline of a licensee concerning the use or abuse of controlled substances or alcohol and modifying the definition of "unethical advertising" (**section 6**);
- ! Requiring a licensee to notify the board of any physical or mental conditions that limit the ability to safely deliver chiropractic services and allowing the board to enter into agreements with the licensee that specify the limitations on the licensee's practice (**sections 3, 6, and 7**);
- ! Clarifying that a license is not prohibited or required for a chiropractic student or intern to perform chiropractic services in this state while under the supervision of a licensee (**section 8**); and
- ! Allowing chiropractic students at board-approved schools to perform supervised chiropractic services with the signed, written consent of the patient (**section 9**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-215-104, **amend**
3 (1) and (3) as follows:

4 **12-215-104. State board of chiropractic examiners - board**
5 **meetings - election of officers - subject to review - repeal of article.**

6 (1) There is hereby created a Colorado state board of chiropractic
7 examiners, referred to in this article 215 as the "board", consisting of
8 seven members, ~~who are citizens of the United States~~, five of whom must

1 have practiced chiropractic in the state of Colorado for five years before
2 their appointment and two of whom shall be appointed from the public at
3 large. The governor shall appoint members of the board for a term of four
4 years. Any board member may be removed by the governor for
5 misconduct, incompetence, or neglect of duty. No member shall serve
6 more than two consecutive terms.

7 (3) This article 215 is repealed, effective ~~July 1, 2020~~ SEPTEMBER
8 1, 2029. Before the repeal, this article 215 is scheduled for review in
9 accordance with section 24-34-104.

10 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
11 (18)(a)(VI); and **add** (30)(a)(III) as follows:

12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for repeal, continuation, or reestablishment - legislative**
14 **declaration - repeal.** (18) (a) The following agencies, functions, or both,
15 are scheduled to repeal on July 1, 2020:

16 (VI) ~~The Colorado state board of chiropractic examiners created~~
17 ~~in article 215 of title 12.~~

18 (30) (a) The following agencies, functions, or both, are scheduled
19 for repeal on September 1, 2029:

20 (III) THE COLORADO STATE BOARD OF CHIROPRACTIC EXAMINERS
21 CREATED IN ARTICLE 215 OF TITLE 12.

22 **SECTION 3.** In Colorado Revised Statutes, **amend** 12-215-108
23 as follows:

24 **12-215-108. Application for license - fee - examination.** Any
25 person who fulfills the minimum educational requirements prescribed by
26 this article 215 and by the board, who is ~~not less than~~ twenty-one years of
27 age OR OLDER, who desires to obtain a license to practice chiropractic in

1 this state, and who is not entitled to a license ~~therefor~~ TO PRACTICE
2 CHIROPRACTIC under other provisions of this article 215 may ~~make~~
3 ~~application~~ APPLY for a license upon the forms and in the manner
4 prescribed by the board, which application shall be accompanied by an
5 examination fee. The board may refuse to examine or license an applicant
6 if the applicant has committed any act that would be grounds for
7 disciplinary action against a licensed chiropractor. The applicant shall be
8 examined by the board or the board's designee in the subjects outlined in
9 section 12-215-106 to determine the applicant's qualifications to practice
10 chiropractic. A license shall be granted to all applicants who ~~on the~~
11 ~~examination~~ are found qualified by attaining a passing grade on the
12 examinations adopted by the board. ~~Qualification in that portion of the~~
13 ~~examination relating to the basic sciences shall be established by the~~
14 ~~applicant submitting proof satisfactory to the board of successfully~~
15 ~~passing the examination in the basic sciences given by the National Board~~
16 ~~of Chiropractic Examiners. The board may adopt the practical~~
17 ~~examination developed and administered by the National Board of~~
18 ~~Chiropractic Examiners as the practical portion of the examination. If the~~
19 ~~board adopts the practical examination developed and administered by the~~
20 ~~National Board of Chiropractic Examiners, qualification in the practical~~
21 ~~portion of the examination shall be established by the applicant~~
22 ~~submitting proof satisfactory to the board of successfully passing the~~
23 ~~practical examination given by the National Board of Chiropractic~~
24 ~~Examiners, and the passing score for the practical examination shall be~~
25 ~~as set by the National Board of Chiropractic Examiners. Any A~~
26 ~~chiropractic applicant who desires to~~ SHALL NOT practice electrotherapy
27 ~~shall present~~ UNTIL THE APPLICANT PRESENTS evidence that ~~he or she~~ THE

1 APPLICANT has successfully completed a course of not less than one
2 hundred twenty classroom hours in this subject at a school approved by
3 the board or under the instruction of an approved provider.

4 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-215-113
5 as follows:

6 **12-215-113. Continuing education.** It is hereby expressly
7 declared to be the purpose of this section to provide for an increase in the
8 annual scientific educational requirements of licensed Colorado
9 chiropractors. EVERY TWO YEARS, each licensed Colorado chiropractor in
10 active practice within the state of Colorado shall ~~be required annually to~~
11 ~~attend not less than fifteen~~ COMPLETE THIRTY hours of scientific clinics,
12 forums, or chiropractic educational study consisting of subjects basic to
13 the field of the healing arts as set forth in section 12-215-106. Each year
14 at the time of its regular June meeting, the board shall prepare an
15 educational schedule of minimum postgraduate requirements of subjects
16 as set forth in section 12-215-106 that shall be met by any school, clinic,
17 forum, or convention giving the educational work, and the minimum
18 standards ~~must~~ SHALL be complied with by the school, clinic, forum, or
19 convention before the board issues a postgraduate attendance certificate.
20 Credit hours shall be determined by the board. Applicants shall apply to
21 the board prior to or after the course and present proof of attendance and
22 synopsis of the course content for approval of credit hours. This provision
23 is ~~made~~ mandatory in the best interest of public health and welfare and to
24 provide progress in the field of chiropractic. If any licensed chiropractor
25 is unable to comply with this section on account of dire emergency and
26 for good cause shown, the board may waive the ~~provisions~~
27 REQUIREMENTS of this section.

1 **SECTION 5.** In Colorado Revised Statutes, 12-30-108, **repeal**
2 (4)(a)(I)(A) as follows:

3 **12-30-108. Confidential agreement to limit practice - violation**
4 **grounds for discipline.** (4) (a) This section does not apply to:

5 (I) The following health care professionals:

6 (A) ~~Chiropractors regulated pursuant to article 215 of this title 12;~~

7 **SECTION 6.** In Colorado Revised Statutes, 12-215-115, **amend**
8 (1)(d), (1)(cc), and (5) introductory portion; and **repeal** (1)(e) as follows:

9 **12-215-115. Discipline of licensees - suspension, revocation,**
10 **denial, and probation - grounds - definitions.** (1) Upon any of the
11 following grounds, the board may take disciplinary or other action as
12 specified in section 12-20-404 or impose conditions on a licensee's
13 license:

14 (d) ~~A substance use disorder, as defined in section 27-82-102,~~
15 HABITUAL or excessive use OR ABUSE by the licensee of ALCOHOL, a
16 controlled substance, as defined in section 18-18-102 (5), or a
17 habit-forming drug;

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

20 (cc) ~~Having~~ FAILING TO:

21 (I) NOTIFY THE BOARD, AS REQUIRED BY SECTION 12-30-108 (1),
22 OF A PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL HEALTH
23 OR MENTAL HEALTH DISORDER THAT MAKES THE CHIROPRACTOR UNABLE
24 TO RENDER CHIROPRACTIC SERVICES WITH REASONABLE SKILL AND SAFETY
25 TO PATIENTS;

26 (II) ACT WITHIN THE LIMITATIONS CREATED BY a physical ILLNESS,
27 PHYSICAL CONDITION, or BEHAVIORAL HEALTH OR mental ~~disability~~

1 HEALTH DISORDER that makes ~~him or her~~ THE LICENSEE unable to render
2 chiropractic services with reasonable skill and safety TO PATIENTS;

3 (III) COMPLY WITH THE LIMITATIONS AGREED TO UNDER A
4 CONFIDENTIAL AGREEMENT;

5 (5) For purposes of this section, the term "unethical advertising"
6 ~~shall include, but not be limited to, advertising, through newspapers,~~
7 ~~magazines, circulars, direct mail, directories, radio, television, or~~
8 ~~otherwise,~~ INCLUDES ADVERTISING THROUGH ANY FORM OF MEDIA that:

9 **SECTION 7.** In Colorado Revised Statutes, **add** 12-215-129 as
10 follows:

11 **12-215-129. Confidential agreement to limit practice.**

12 (1) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, SECTION
13 12-30-108 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE
14 APPLIES TO THIS ARTICLE 215.

15 (2) THIS SECTION AND SECTION 12-30-108 DO NOT APPLY TO A
16 LICENSEE SUBJECT TO DISCIPLINE UNDER SECTION 12-215-115 (1)(d).

17 **SECTION 8.** In Colorado Revised Statutes, **amend** 12-215-117
18 as follows:

19 **12-215-117. Use of title.** A license to practice chiropractic entitles
20 the holder to use the title "Doctor" or "Dr." when accompanied by the
21 word "Chiropractor" or the letters "D.C.", and to use the title of "Doctor
22 of Chiropractic". The license shall not confer upon the licensee the right
23 to practice surgery or obstetrics, to prescribe, compound, or administer
24 drugs, or to administer anesthetics. Nothing in this article 215 shall be
25 construed to prohibit or to require a license for bona fide chiropractic
26 students or interns in attendance upon a regular course of instruction in
27 a lawfully operated chiropractic school or hospital with respect to

1 performing chiropractic services ~~within the school or hospital~~ IN THIS
2 STATE while under the direct supervision of a licensed chiropractor IN
3 ACCORDANCE WITH SECTION 12-215-130.

4 **SECTION 9.** In Colorado Revised Statutes, **add** 12-215-130 as
5 follows:

6 **12-215-130. Chiropractic students - chiropractic services -**
7 **consent - rules.** (1) A CHIROPRACTIC STUDENT, AS PART OF THE
8 STUDENT'S COURSE OF INSTRUCTION AT A BOARD-APPROVED
9 CHIROPRACTIC SCHOOL AND WITH THE SIGNED WRITTEN CONSENT OF THE
10 PATIENT OR THE PATIENT'S PARENT OR GUARDIAN, MAY PERFORM
11 CHIROPRACTIC SERVICES UNDER THE DIRECT SUPERVISION OF A LICENSED
12 CHIROPRACTOR.

13 (2) THE BOARD SHALL PROMULGATE RULES THAT:

14 (a) SPECIFY THE CRITERIA THAT CHIROPRACTIC SCHOOLS MUST
15 MEET IN ORDER TO RECEIVE BOARD APPROVAL FOR THE PURPOSE OF
16 ALLOWING STUDENTS ENROLLED IN THE SCHOOLS TO PERFORM
17 CHIROPRACTIC SERVICES IN THIS STATE; AND

18 (b) CREATE A CONSENT FORM TO BE COMPLETED BY A
19 CHIROPRACTIC STUDENT, THE STUDENT'S SUPERVISING LICENSED
20 CHIROPRACTOR, AND THE PATIENT OR THE PARENT OR GUARDIAN OF THE
21 PATIENT PRIOR TO RECEIVING CHIROPRACTIC SERVICES FROM THE
22 STUDENT.

23 **SECTION 10. Effective date.** This act takes effect July 1, 2020.

24 **SECTION 11. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety.