

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0514.01 Yelana Love x2295

HOUSE BILL 20-1212

HOUSE SPONSORSHIP

Landgraf and Caraveo, Singer

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE REGULATION OF
102 NATUROPATHIC DOCTORS, AND, IN CONNECTION THEREWITH,
103 IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2019
104 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 Public Health Care and Human Services Committee. The bill implements recommendations of the

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.

department of regulatory agencies' sunset review and report on the regulation of naturopathic doctors by:

- ! Continuing the regulation of naturopathic doctors for 9 years, to 2029 (**sections 1 and 2** of the bill);
- ! Providing immunity from liability for the director of the division of professions and occupations, division staff, consultants, and complainants in any civil action brought against the individual for acts occurring while the individual is acting in the individual's capacity as director, board member, staff, consultant, or witness, respectively (**section 3**);
- ! Removing references to the North American Board of Naturopathic Examiners and the Council on Naturopathic Medical Education (**sections 4 and 6**); and
- ! Repealing the requirement that a naturopathic doctor develop and execute a collaborative agreement with a licensed physician before the naturopathic doctor can treat children under the age of 2 (**sections 5 and 7**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-250-121, **amend**
3 (1) as follows:

4 **12-250-121. Repeal of article - subject to review - definition.**

5 (1) This article 250 is repealed, effective September 1, ~~2020~~ 2029.
6 Before the repeal, the registration of naturopathic doctors is scheduled for
7 review in accordance with section 24-34-104.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
9 (19)(a)(XII); and **add** (30)(a)(III) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for repeal, continuation, or reestablishment - legislative**
12 **declaration - repeal.** (19) (a) The following agencies, functions, or both,
13 are scheduled for repeal on September 1, 2020:

14 (XII) ~~The registration of naturopathic doctors in accordance with~~
15 ~~article 250 of title 12;~~

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

3 (III) THE REGISTRATION OF NATUROPATHIC DOCTORS IN
4 ACCORDANCE WITH ARTICLE 250 OF TITLE 12.

5 **SECTION 3.** In Colorado Revised Statutes, 12-20-402, **amend**
6 (4) as follows:

7 **12-20-402. Immunity.** (4) This section does not apply to articles
8 125, 140, AND 150 ~~and 250~~ of this title 12 concerning fantasy contests,
9 nontransplant tissue banks, AND passenger tramways, ~~and naturopathic~~
10 ~~doctors~~, respectively.

11 **SECTION 4.** In Colorado Revised Statutes, 12-250-103, **amend**
12 (5)(a)(III) and (5)(b) as follows:

13 **12-250-103. Definitions.** As used in this article 250, unless the
14 context otherwise requires:

15 (5) "Approved naturopathic medical college" means:

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

19 (III) Is accredited or has achieved candidacy status for
20 accreditation by ~~the Council on Naturopathic Medical Education or an~~
21 ~~equivalent~~ AN accrediting body for naturopathic medical programs
22 recognized by the United States department of education AND
23 DETERMINED BY THE DIRECTOR BY RULE; or

24 (b) Any other college or program approved by the director. ~~and~~
25 ~~accredited by the Council on Naturopathic Medical Education or its~~
26 ~~successor entity.~~

27 **SECTION 5.** In Colorado Revised Statutes, 12-250-106, **amend**

1 (2)(e) introductory portion; and **repeal** (2)(e)(III) as follows:

2 **12-250-106. Practice of naturopathic medicine by**
3 **naturopathic doctors - exclusions - protected activities - definition -**
4 **rules.** (2) A naturopathic doctor shall not:

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

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

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

24 ~~(C) Nothing in this subsection (2)(e)(III) permits the independent~~
25 ~~practice of medicine, as defined in section 12-240-107 (1) and (2), by a~~
26 ~~naturopathic doctor.~~

27 ~~(D) Nothing in this subsection (2)(e)(III): Limits the ability of a~~

1 ~~naturopathic doctor to make an independent judgment; requires~~
2 ~~supervision by a licensed physician; precludes the use of professional~~
3 ~~judgment or variation according to the needs of the child under two years~~
4 ~~of age; imposes liability on a licensed physician, in developing or signing~~
5 ~~a collaborative agreement, for the actions of the naturopathic doctor in~~
6 ~~treating a child under two years of age; imposes liability on a naturopathic~~
7 ~~doctor, in developing or signing a collaborative agreement, for the actions~~
8 ~~of the licensed physician in consulting regarding the treatment of a child~~
9 ~~less than two years of age; or requires the naturopathic doctor and~~
10 ~~licensed physician to be practicing in the same community or in close~~
11 ~~proximity to each other in order to enter into a collaborative agreement.~~

12 **SECTION 6.** In Colorado Revised Statutes, 12-250-107, **amend**
13 (2)(d) as follows:

14 **12-250-107. Registration required - qualifications -**
15 **examination - registration by endorsement - rules.** (2) An applicant
16 for a registration to practice as a naturopathic doctor in this state shall
17 submit an application to the director in a form and manner determined by
18 the director by rule, accompanied by the fee required pursuant to section
19 12-20-105. The director shall issue a registration to practice as a
20 naturopathic doctor to an applicant upon receipt of satisfactory proof that
21 the applicant:

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

27 **SECTION 7.** In Colorado Revised Statutes, 12-250-121, **amend**

1 (2)(a) as follows:

2 **12-250-121. Repeal of article - subject to review - definition.**

3 (2) (a) In conducting its review, the department shall gather and include
4 in its report information from naturopathic doctors regarding the number
5 of children under two years of age that naturopathic doctors treated, the
6 conditions for which naturopathic doctors treated children under two
7 years of age, and the number and description of any adverse events that
8 occurred in connection with treating children under two years of age.
9 ~~Additionally, the department shall review written collaborative~~
10 ~~agreements kept on file by naturopathic doctors pursuant to section~~
11 ~~12-250-106 (2)(c)(III) and include a summary of those agreements in its~~
12 ~~report.~~

13 **SECTION 8. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2020 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.