

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

Attachment R

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LLS NO. 20-0514.01 Yelana Love x2295

SUNSET BILL

**Sunset Process - House Public Health Care
and Human Services Committee**

BILL TOPIC: "Sunset Naturopathic Doctors"
DEADLINES: Finalize by: JAN 27, 2020 File by: JAN 29, 2020

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF**
102 **NATUROPATHIC DOCTORS, 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 Public Health Care and Human Services Committee. The bill implements the recommendations of the

*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 (*recommendation 1, sections 1 and 2* of the bill);
- Repealing the naturopathic medicine advisory committee (*recommendation 2, sections 3 and 4*);
- 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 (*recommendation 3, sections 5 and 6*);
- 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 (*recommendation 4, section 7*); and
- Removing references to the North American Board of Naturopathic Examiners and the Council on Naturopathic Medical Education (*recommendation 5, sections 8 and 9*).

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

2 ***Recommendation 1***

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

5 **12-250-121. Repeal of article - subject to review - definition.**

6 (1) This article 250 is repealed, effective September 1, ~~2020~~ 2029.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

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

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

1 are scheduled for repeal on September 1, 2020:

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

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

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

8 ***Recommendation 2***

9 **SECTION 3.** In Colorado Revised Statutes, **repeal** 12-250-104
10 as follows:

11 **12-250-104. Naturopathic medicine advisory committee -**
12 **creation - membership - duties.** ~~(1) (a) The naturopathic medicine~~
13 ~~advisory committee is hereby created in the department as the entity~~
14 ~~responsible for advising the director in the regulation of the practice of~~
15 ~~naturopathic medicine by naturopathic doctors and the implementation of~~
16 ~~this article 250:~~

17 ~~(b) The advisory committee consists of nine members appointed~~
18 ~~by the director as follows:~~

19 ~~(i) Three members who are naturopathic doctors;~~

20 ~~(ii) Three members who are doctors of medicine or osteopathy~~
21 ~~licensed pursuant to article 240 of this title 12;~~

22 ~~(iii) One member who is a pharmacist licensed pursuant to article~~
23 ~~280 of this title 12; and~~

24 ~~(iv) Two members from the public at large. The director shall~~
25 ~~make reasonable efforts to appoint public members who are or have been~~
26 ~~consumers of naturopathic medicine.~~

27 ~~(c) (i) Each member of the advisory committee holds office until~~

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Section 3
of bill
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1 the expiration of the member's appointed term or until a successor is duly
2 appointed. Except as specified in subsection (1)(c)(II) of this section, the
3 term of office of each member is four years, and an advisory committee
4 member shall not serve more than two consecutive four-year terms. The
5 director shall fill a vacancy occurring on the advisory committee, other
6 than by expiration of a term, by appointment for the unexpired term of the
7 member.

8 (H) To ensure staggered terms of office, the initial term of office
9 of one of the naturopathic doctor members, the pharmacist member, and
10 one of the members representing the public is two years. These members
11 are eligible to serve one additional four-year term of office. On and after
12 the expiration of these members' terms, the term of office of persons
13 appointed to these positions on the advisory committee is as described in
14 subsection (1)(c)(I) of this section, commencing on January 1 of the
15 applicable year.

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

18 (2) The advisory committee shall advise the director in the
19 administration and enforcement of this article 250 and rules adopted
20 under this article 250.

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

24 **SECTION 4.** In Colorado Revised Statutes, 12-250-103, **repeal**
25 (3) as follows:

26 **12-250-103. Definitions.** As used in this article 250, unless the
27 context otherwise requires:

1 (3) ~~"Advisory committee" means the naturopathic medicine~~
2 ~~advisory committee created in section 12-250-104.~~

3 *Recommendation 3*

4 SECTION 5. In Colorado Revised Statutes, 12-250-106, amend
5 (2)(e) introductory portion; and repeal (2)(e)(III) as follows:

6 12-250-106. Practice of naturopathic medicine by
7 naturopathic doctors - exclusions - protected activities - definition -
8 rules. (2) A naturopathic doctor shall not:

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

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

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

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

4 ~~(D) Nothing in this subsection (2)(c)(III): Limits the ability of a~~
5 ~~naturopathic doctor to make an independent judgment; requires~~
6 ~~supervision by a licensed physician; precludes the use of professional~~
7 ~~judgment or variation according to the needs of the child under two years~~
8 ~~of age; imposes liability on a licensed physician, in developing or signing~~
9 ~~a collaborative agreement, for the actions of the naturopathic doctor in~~
10 ~~treating a child under two years of age; imposes liability on a naturopathic~~
11 ~~doctor, in developing or signing a collaborative agreement, for the actions~~
12 ~~of the licensed physician in consulting regarding the treatment of a child~~
13 ~~less than two years of age; or requires the naturopathic doctor and~~
14 ~~licensed physician to be practicing in the same community or in close~~
15 ~~proximity to each other in order to enter into a collaborative agreement.~~

16 **SECTION 6.** In Colorado Revised Statutes, 12-250-121, **amend**
17 **(2)(a)** as follows:

18 **12-250-121. Repeal of article - subject to review - definition.**
19 **(2) (a)** In conducting its review, the department shall gather and include
20 in its report information from naturopathic doctors regarding the number
21 of children under two years of age that naturopathic doctors treated, the
22 conditions for which naturopathic doctors treated children under two
23 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.
25 ~~Additionally, the department shall review written collaborative~~
26 ~~agreements kept on file by naturopathic doctors pursuant to section~~
27 ~~12-250-106 (2)(c)(III) and include a summary of those agreements in its~~

1 ~~report~~

2 **Recommendation 4**

3 **SECTION 7.** In Colorado Revised Statutes, 12-20-402, **amend**
4 (4) as follows:

5 **12-20-402. Immunity.** (4) This section does not apply to articles
6 125, 140, AND 150 ~~and 250~~ of this title 12 concerning fantasy contests,
7 nontransplant tissue banks, AND passenger tramways, ~~and naturopathic~~
8 ~~doctors~~, respectively.

9 **Recommendation 5**

10 **SECTION 8.** In Colorado Revised Statutes, 12-250-107, **amend**
11 (2)(d) as follows:

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

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

25 **SECTION 9.** In Colorado Revised Statutes, 12-250-103, **amend**
26 (5)(a)(III) and (5)(b) as follows:

27 **12-250-103. Definitions.** As used in this article 250, unless the

1 context otherwise requires:

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

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

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

11 (b) Any other college or program approved by the director, and
12 ~~accredited by the Council on Naturopathic Medical Education or its~~
13 ~~successor entity~~.

14 **SECTION 10. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2020 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.