

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Division of Professions and Occupations

Office of Naturopathic Doctors

COLORADO REGULATIONS (CCR) 749-1

**RULES REGULATING NATUROPATHIC DOCTORS
REGISTRATION, PRACTICE, AND DISCIPLINE**

Authority

Basis: These rules are promulgated pursuant to § 12-37.3-104(a) C.R.S. The registration and regulation of Naturopathic Doctors is found in Title 12 (“Professions and Occupations”), Article 37.3 (“Naturopathic Doctors”) of the Colorado Revised Statutes.

Scope and Purpose

These rules were promulgated in order to carry out the powers and duties of the Division Director of the Division of Professions and Occupations, Department of Regulatory Agencies (“Director”) pursuant to §12-37.3- 104(a), C.R.S. These rules affect every person who practices as a Naturopathic Doctor in the State of Colorado.

**Rule 1 - Process and form to report adverse actions, convictions, and judgments
(§ 12-37-112(n)(o)(p), C.R.S.)**

The purpose of this rule is to clarify the process and form for reporting adverse actions, convictions, and judgments to the Director as required in § 12-37.3-112(n)(o)(p) C.R.S.

- A. A registered Naturopathic Doctor shall report to the Director within 30 days of receiving a diagnosis of a physical or mental illness or condition 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.
- B. Report contents.
 - 1. If the event is an adverse action by any governmental agency, the report to the Director must include the name of the agency, its jurisdiction, the case

name, court docket, proceeding or case number by which the event is designated, and a copy of the consent decree, order, or decision.

2. If the event is a criminal conviction, the report to the Director must include the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the indictment or charges, and any plea or verdict entered by the court. Within 30 days of the imposition of sentence for a felony conviction, the registrant shall provide to the Director a copy of the imposition of sentence. Within 30 days of the completion of any terms of the sentence, the registrant shall provide written notice to the Director of the completion of the sentence terms, or any evidence of rehabilitation as described in § 24-5-101(4)(c), C.R.S.

3. If the event concerns a civil action or arbitration proceeding, the report to the Director must include the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the complaint, and a copy of the verdict, the court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal.

C. In addition to any report required under this rule, the Naturopathic Doctor may also submit a written statement of explanation.

D. The report shall be submitted in writing to the Office of Naturopathic Doctor Registration by email, postal mail, fax, or online. Contact information may be found on the website or by calling the Division of Professions and Occupations ("Division").

Rule 2 - Duty to report change of contact information to the Director's office (§ 12-37.3-104(1), C.R.S.)

The purpose of this rule is to establish and clarify the requirements for registrants to notify the Director of a change in contact information, as required for the administration of the program under § 12-37.3-104(1), C.R.S.

A. A registered Naturopathic Doctor shall report to the Office of Naturopathic Doctor Registration any name, address, telephone, or email change within 30 days of the change.

B. The reporting shall be in writing through email, postal mail, fax, or on-line. Contact information may be found on the website or by calling the Division.

Rule 3 - Declaratory orders (§ 24-4-105(11), C.R.S.)

The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedure Act at § 24-4-105(11), C.R.S.

- A. Any person or entity may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director.
- B. The Director will determine, at the Director's discretion and without notice to petitioner, whether to rule upon such petition. If the Director determines that not to rule upon such a petition, the Director shall promptly notify the petitioner of the action and state the reasons for such decision.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
 - 1. Whether a ruling on the petition will terminate a controversy or remove uncertainty as to the applicability to petitioner of any statutory provisions or rule or order of the Director.
 - 2. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more petitioners.
 - 3. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.
 - 4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - 5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Colorado Rules of Civil Procedure, Rule 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.
- D. A petition filed pursuant to this rule must set forth the following:

1. The name and address of the petitioner and whether the petitioner is registered pursuant to Title 12, Article 37.3 C.R.S.
2. The statute, rule, or order to which the petition relates.
3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.

E. If the Director decides to rule on the petition, the following procedures shall apply:

1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:
 - a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - b. The Director may order the petitioner to file a written brief, memorandum, or statement of position.
 - c. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
 - d. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
 - e. The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
 - f. The Director may take administrative notice of facts pursuant to the Colorado Administrative Procedure Act at § 24-4-105(8), C.R.S., and may utilize the Director's experience, technical competence, in the disposition of the petition.
2. If the Director rules upon the petition without a hearing, the Director will promptly notify the petitioner of the decision.
3. The Director may, at the Director's discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to

hear oral argument on the petition. The hearing notice to the petitioner must set forth, to the extent known, the factual or other matters that the Director intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner has the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.

F. The parties to any proceeding pursuant to this rule are the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene must set forth the same matters as are required otherwise in this Rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Director.

G. Any declaratory order or other order disposing of a petition pursuant to this rule constitutes agency action subject to judicial review pursuant to the Colorado Administrative Procedure Act at § 24-4-106, C.R.S.

Rule 4 - Original Licensure (§12-37.3-106(2), C.R.S.)

The purpose of this rule is to clarify the form and manner of an application for Naturopathic Doctor registration and clarify statutory requirements for licensure pursuant to §12-37.3-106(2), C.R.S.

A. An applicant for registration must submit an application and all other required materials in the manner described by the Division within the Colorado Department of Regulatory Agencies. This information can be found on the Division website or by calling the Division.

B. To qualify for registration as a naturopathic doctor a person must:

1. be at least twenty-one years of age and of good moral character;
2. have obtained a baccalaureate degree from an accredited educational institution or documented experience that provides the same kind, amount, and level of knowledge as a Baccalaureate degree, as determined by the director;

3. have graduated from and holds a doctor of naturopathic medicine or doctor of naturopathy degree from an approved naturopathic medical college;
4. have successfully passed either a director-approved examination or a comprehensive competency-based national naturopathic licensing examination administered by the North American Board of Naturopathic Examiners or a nationally recognized, director-approved successor entity, as determined by the director by rule; and,
5. have not had a license or other authorization to practice as a naturopathic doctor or other health care license, registration, or certification denied, revoked, or suspended by Colorado or any other jurisdiction for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine, unless the license, registration, or certification is reinstated to good standing by Colorado or another jurisdiction.

Rule 5 - Inactive registration status (§12-37.3-118, C.R.S.)

The purpose of this rule is to clarify the regulations governing inactive registration status pursuant to § 12-37.3-118, C.R.S.

- A. A registered naturopathic doctor shall request an inactive registration status in writing by email or postal mail.
- B. A naturopathic doctor with an inactive registration shall not engage in any act or conduct that constitutes the practice of naturopathic medicine.
- C. Inactive registration status does not:
 1. prevent the Director from investigating complaints or imposing discipline against a naturopathic doctor in accordance with Article 37.3 of Title 12, C.R.S.;
or
 2. limit or restrict the Director's functions, duties, or obligations, under Title 12, Article 37.3 of the Colorado Revised Statutes.
- D. Except as otherwise provided by this rule, a naturopathic doctor with an inactive registration remains subject to all provisions of these rules and all provisions of Title 12, Article 37.3 of the Colorado Revised Statutes.

E. A naturopathic doctor may reactivate an inactive registration by:

1. submitting a completed application for reactivation and paying a fee established by the Director;
2. submitting proof, in a manner prescribed by the Director, that a naturopathic doctor license or registration held in other states or jurisdictions are in good standing;
3. attesting that the applicant will, prior to practicing naturopathic medicine, maintain the professional liability insurance coverage required in statute; and,
4. demonstrating compliance with the Director's continuing professional competency rules with respect to registration reactivation.

Rule 6 - Armed services experience (§ 24-34-102(8.5), C.R.S.)

The purpose of this rule is to clarify what and how Armed Services Experience will be considered for registration.

Education, training, or service gained in military services outlined in § 24-34-102(8.5), C.R.S. to be accepted and applied towards receiving a registration, must be substantially equivalent, as determined by the Director, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis.