

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 06-0458.01 Karen Epps

HOUSE BILL 06-1170

HOUSE SPONSORSHIP

Weissmann, and Boyd

SENATE SPONSORSHIP

Johnson, and Hagedorn

House Committees

Health and Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALTERNATIVE HEALTH CARE PROVIDERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Defines "alternative health care provider" to mean a person engaged in complementary and alternative health care practices including, but not limited to, natural healing therapies.

Prohibits certain acts by an alternative health care provider, including:

- Performing surgery;
- Prescribing or administering x-ray radiation;
- Prescribing or administering medications;
- Performing chiropractic adjustments;

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.

HOUSE
3rd Reading Unamended
April 21, 2006

HOUSE
Amended 2nd Reading
April 20, 2006

Performing massage therapy;
Advertising or holding himself or herself out as a licensed, certified, or registered health care practitioner;
Using a title or abbreviation that indicates or induces others to believe such person is licensed to practice medicine; or
Recommending the discontinuance of a medically prescribed drug or treatment.

Requires disclosure of certain information to a patient by an alternative health care provider, including:

The provider's name, address, and telephone number;
That the provider is not licensed, certified, or registered as a health care practitioner by the state of Colorado;
The nature of the health care services to be provided; and
A list of any degrees, training, experience, or other qualifications of the provider.

Establishes penalties for violations of these provisions.

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

2 **SECTION 1.** Article 1 of title 6, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **6-1-715. Complementary and alternative health care practices.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "ALTERNATIVE HEALTH CARE PROVIDER" MEANS A PERSON
8 ENGAGED IN PROVIDING COMPLEMENTARY AND ALTERNATIVE HEALTH
9 CARE SERVICES, INCLUDING, BUT NOT LIMITED TO, NATURAL HEALING
10 THERAPIES.

11 (b) "COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
12 SERVICES" MEANS HEALTH CARE AND HEALING ARTS THERAPIES THAT ARE
13 NOT PROHIBITED BY SUBSECTION (2) OF THIS SECTION AND ARE PROVIDED
14 BY AN ALTERNATIVE HEALTH CARE PROVIDER.

15 (2) AN ALTERNATIVE HEALTH CARE PROVIDER SHALL NOT VIOLATE
16 TITLE 12, C.R.S., OR ANY OTHER LAW REGULATING A HEALTH CARE

1 PROFESSION OR OCCUPATION. ENGAGING IN PROVIDING COMPLEMENTARY
2 AND ALTERNATIVE HEALTH CARE SERVICES SHALL NOT BE CONSIDERED TO
3 BE ENGAGING IN THE PRACTICE OF MEDICINE. IN ADDITION TO ANY OTHER
4 DECEPTIVE TRADE PRACTICES UNDER SECTION 6-1-105 OR THIS PART 7, AN
5 ALTERNATIVE HEALTH CARE PROVIDER SHALL BE CONSIDERED TO HAVE
6 ENGAGED IN A DECEPTIVE TRADE PRACTICE WHEN SUCH PROVIDER:

7 (a) PERFORMS SURGERY OR ANY OTHER PROCEDURE THAT
8 HARMFULLY PUNCTURES THE SKIN OF A PATIENT;

9 (b) PRESCRIBES OR ADMINISTERS X-RAY RADIATION TO A PATIENT;

10 (c) PRESCRIBES OR ADMINISTERS A PRESCRIPTION DRUG,
11 PRESCRIBED MEDICAL DEVICE, OR CONTROLLED SUBSTANCE TO A PATIENT;

12 (d) PERFORMS A CHIROPRACTIC ADJUSTMENT OF THE
13 ARTICULATIONS OF JOINTS OR THE SPINE OF A PATIENT;

14 (e) PRACTICES ON THE PREMISES OF A MASSAGE PARLOR, AS THAT
15 TERM IS DEFINED IN SECTION 12-48.5-103, C.R.S., OR REPRESENTS THAT
16 THE PROVIDER ENGAGES IN MASSAGE;

17 (f) STATES, ADVERTISES, OR OTHERWISE HOLDS OUT TO ANY
18 PERSON THAT HE OR SHE IS A HEALTH CARE PRACTITIONER LICENSED,
19 CERTIFIED, OR REGISTERED BY THIS STATE;

20 (g) USES THE TITLE "PHYSICIAN" OR "SURGEON", THE
21 ABBREVIATION M.D., D.O., P.T., D.C., OR L.P.T., OR ANY OTHER TITLE,
22 WORD, OR ABBREVIATION THE USE OF WHICH IS LIMITED UNDER TITLE 12,
23 C.R.S., AND THAT TENDS TO INDICATE OR INDUCE OTHERS TO BELIEVE
24 THAT HE OR SHE IS LICENSED, CERTIFIED, REGISTERED, OR INCLUDED IN
25 THE DATA BASE OF UNLICENSED PSYCHOTHERAPISTS AS PROVIDED IN
26 SECTION 12-43-702.5, C.R.S., AS A HEALTH CARE PROVIDER IN
27 COLORADO; OR

1 (h) RECOMMENDS THE DISCONTINUANCE OF ANY MEDICALLY
2 PRESCRIBED DRUG OR MEDICALLY PRESCRIBED TREATMENT.

3 (3) AN ALTERNATIVE HEALTH CARE PROVIDER WHO ADVERTISES
4 OR CHARGES A FEE FOR COMPLEMENTARY AND ALTERNATIVE HEALTH
5 CARE SERVICES SHALL PROVIDE THE FOLLOWING INFORMATION IN WRITING
6 TO EACH PATIENT:

7 (a) THE ALTERNATIVE HEALTH CARE PROVIDER'S NAME, BUSINESS
8 ADDRESS, AND TELEPHONE NUMBER;

9 (b) A STATEMENT THAT HE OR SHE IS NOT LICENSED, CERTIFIED, OR
10 REGISTERED AS A HEALTH CARE PROVIDER IN COLORADO;

11 (c) THE NATURE OF THE SERVICES TO BE PROVIDED; AND

12 (d) ANY DEGREES, TRAINING, EXPERIENCE, CREDENTIALS, OR
13 OTHER QUALIFICATIONS OF THE PROVIDER, INCLUDING WHETHER OR NOT
14 SUCH DEGREES WERE AWARDED BY INSTITUTIONS ACCREDITED BY A
15 REGIONAL OR PROFESSIONAL ACCREDITING AGENCY RECOGNIZED BY THE
16 UNITED STATES DEPARTMENT OF EDUCATION OR THE COUNCIL ON
17 POSTSECONDARY ACCREDITATION OR RECOGNIZED AS A CANDIDATE FOR
18 ACCREDITATION BY SUCH AN AGENCY.

19 (4) AN ALTERNATIVE HEALTH CARE PROVIDER SHALL OBTAIN A
20 WRITTEN ACKNOWLEDGMENT FROM THE PATIENT STATING THAT THE
21 PATIENT HAS BEEN PROVIDED THE INFORMATION DESCRIBED IN
22 SUBSECTION (3) OF THIS SECTION. THE ACKNOWLEDGMENT SHALL BE
23 MAINTAINED BY THE PROVIDER FOR FIVE YEARS AFTER THE LAST SERVICES
24 PROVIDED TO THE PATIENT.

25 **SECTION 2. Effective date.** (1) This act shall take effect
26 January 1, 2007.

27 (2) However, if a referendum petition is filed against this act or

1 an item, section, or part of this act during the 90-day period after final
2 adjournment of the general assembly that is allowed for submitting a
3 referendum petition pursuant to article V, section 1 (3) of the state
4 constitution, then the act, item, section, or part, shall not take effect unless
5 approved by the people at a biennial regular general election and shall
6 take effect on the date specified in subsection (1) or on the date of the
7 official declaration of the vote thereon by proclamation of the governor,
8 whichever is later.