

Proposed Initiative
2007-2008
85

Please accept the following as our edited draft to be considered as a ballot initiative in the 2008 election cycle.

Deleted: initial draft

Those people submitting this proposed initiative are:

Kim M. Green
1304 Westmoreland Rd
Colorado Springs, CO 80907
719/598-6223

Cynthia Lynn Sherman
3715 Cherry Plum Drive
Colorado Springs, CO 80920
719/282-6073

RECEIVED

APR 04 2008

ELECTIONS
SECRETARY OF STATE

DBB
2:33pm.
wl

1 Be it Enacted by the People of the State of Colorado:

2
3 SECTION 1. Article II of the constitution of the state of Colorado is amended
4 BY THE ADDITION OF A NEW SECTION to read;

5
6 SECTION 32, Alternative and complementary practitioner protection act, (1)(a).
14 ACCORDING TO THE COLORADO DEPARTMENT OF REGULATORY AGENCIES HEALTH
AND HUMAN SERVICES COMMITTEE TESTIMONY THERE ARE APPROXIMATELY
16,000 ALTERNATIVE AND COMPLEMENTARY HEALTH PRACTITIONERS PROVIDING
SERVICES IN THE STATE OF COLORADO. THIS INDICATES THAT THERE IS A HIGH
DEMAND FOR ALTERNATIVE AND COMPLEMENTARY HEALTH PRACTITIONERS IN THE
STATE OF COLORADO WHICH ENCOMPASS A WIDE VARIETY OF AGE, ETHNIC,
SOCIOECONOMIC, AND OTHER DEMOGRAPHIC CATEGORIES.

18
19 (b) MANY ALTERNATIVE AND COMPLEMENTARY HEALTH PRACTITIONERS
PROVIDE HEALING SERVICES THAT ARE A NORMAL AND NECESSARY PART OF SOCIAL
BEHAVIOR, ARE INHERENT RIGHTS, ARE NOT DANGEROUS, AND SHOULD NOT BE
CONSIDERED PRIVILEGES TO BE DOLED OUT BY A GOVERNMENT. THE CONCEPT OF
PERFORMING ACTS OF HEALING SHOULD BE PRESERVED. THE PEOPLE OF THE STATE
OF COLORADO RECOGNIZE THAT THOSE ALTERNATIVE AND COMPLEMENTARY
HEALTH PRACTITIONERS THAT ARE NOT DANGEROUS OR POSE AN IMMINENT AND
DISCERNIBLE RISK OF SIGNIFICANT HARM TO THE PUBLIC'S HEALTH AND SAFETY
SHALL NOT BE REQUIRED TO BE LICENSED, CERTIFIED OR REGISTERED BY THE STATE
IN ORDER TO PROTECT VIABLE HEALING OPTIONS. IN CONSIDERATION OF THE
PUBLIC'S HEALTH AND WELFARE, THE CITIZENS OF COLORADO HEREBY CLAIM THIS
SECTION TO REMOVE TECHNICAL BARRIERS THAT IMPEDE ALTERNATIVE AND
COMPLEMENTARY HEALTH PRACTITIONERS FROM PRACTICING AS LONG AS THOSE
PRACTITIONERS ABIDE BY CERTAIN PERAMETERS AS SET FORTH IN THIS SECTION.
HEALING AND HEALTH CARE PRACTICES PERFORMED BY ALTERNATIVE AND
COMPLEMENTARY HEALTH PRACTITIONERS INCLUDE, BUT ARE NOT LIMITED TO,
ENGAGING IN TRADITIONAL, CULTURAL, COMPLEMENTARY, OR ALTERNATIVE
HEALTH CARE THAT UTILIZES, BUT IS NOT LIMITED TO, LIFESTYLE COUNSELING,
NUTRITION, AND OTHER NATURAL FORMS OF HEALING THAT UTILIZE THE BODIES
OWN MECHANISMS TO REACH HOMEOSTASIS.

28
29 (c) NOTWITHSTANDING THE WIDESPREAD UTILIZATION OF SERVICES FROM
ALTERNATIVE AND COMPLEMENTARY HEALTH PRACTITIONERS BY RESIDENTS OF
COLORADO, THE PROVISION OF SUCH SERVICES IN MANY CIRCUMSTANCES MAY BE
INTERPRESTED UNDER COLORADO STATE STATUTE AS BEING ILLEGAL IN THE STATE OF
COLORADO AS A VIOLATION OF THE LAWS REGULATING HEALTH CARE PROFESSIONS AND
OCCUPATIONS CONTAINED IN ARTICLES 29 TO 43.9 TO TITLE 12, COLORADO REVISED
STATUTES WHICH GOVERN HEALTH CARE PRACTITIONERS. AS A RESULT, A PRACTITIONER
OF ALTERNATIVE AND COMPLEMENTARY HEALTH WHO IS NOT LICENSED, CERTIFIED, OR
REGISTERED BY THIS STATE, AS A HEALTH CARE PRACTITIONER UNDER AN OCCUPATIONAL
BOARD OR UNDER THE DIVISION OF REGISTRATION IN THE DEPARTMENT OF REGULATORY
AGENCIES COULD BE SUBJECT TO FINES, PENALTIES AND RESTRICTION OF HIS OR HER

Deleted: THE CONSTITUTION OF THE STATE OF COLORADO IS AMENDED BY THE
4 ADDITION OF A NEW SECTION to read

Deleted: 3

Deleted: CONSUMER CHOICE PROTECTION

Deleted: BASED UPON A
7 COMPREHENSIVE REPORT BY THE NATIONAL INSTITUTE OF MEDICINE
8 AND OTHER STUDIES, INCLUDING A STUDY PUBLISHED BY THE NEW
9 ENGLAND JOURNAL OF MEDICINE, IT IS EVIDENT THAT APPROXIMATELY
10 SIXTY-TWO PERCENT OF COLORADANS, MORE THAN ONE MILLION FIVE

Deleted: 11 HUNDRED THOUSAND, ARE PRESENTLY RECEIVING A SUBSTANTIAL
12 VOLUME OF HEALTH CARE SERVICES FROM COMPLEMENTARY AND
13 ALTERNATIVE HEALTH CARE PRACTITIONERS. THE STUDIES FURTHER

Formatted: Small caps

Formatted: Small caps

Deleted: INDICATE THAT INDIVIDUALS USING COMPLEMENTARY AND
15 ALTERNATIVE HEALTH CARE SERVICES ENCOMPASS A WIDE VARIETY OF
16 AGE, ETHNIC, SOCIOECONOMIC, AND OTHER DEMOGRAPHIC
17 CATEGORIES.

Formatted: Small caps

Formatted: Small caps

Deleted: MANY HEALING AND HEALTH CARE PRACTICES ARE A NORMAL AND
20 NECESSARY PART OF SO ... [1]

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Deleted: AN EXAMPLE OF
24 PRACTITIONERS PERFORMING HEALING ARTS WOULD BE: A ... [2]

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

PRACTICE. BECAUSE OF THIS, EVEN THOSE ALTERNATIVE AND COMPLEMENTARY HEALTH PRACTITIONERS THAT DO NOT POSE AN IMMINENT AND DISCERNIBLE RISK OF SIGNIFICANT HARM TO THE PUBLIC'S HEALTH AND SAFETY WOULD STILL BE VIOLATION OF COLORADO STATUTE TITLE 12-36-106.(b) "SUGGESTING, RECOMMENDING, PRESCRIBING, OR ADMINISTERING ANY FORM OF TREATMENT... OR HEALING FOR THE INTENDED PALLIATION, (REDUCTION OF) RELIEF, OR CURE OF ANY PHYSICAL OR MENTAL DISEASE, AILMENT, INJURY, CONDITION, OR DEFECT OF ANY PERSON WITH THE INTENTION OF RECEIVING THEREFOR, EITHER DIRECTLY OR INDIRECTLY, ANY FEE, GIFT, OR COMPENSATION WHATSOEVER."

(d) NO BILL, ACT, REGULATION, RESOLUTION OR OTHER GOVERNMENTAL OVERSIGHT MAY BE PASSED INTO LAW OR RULE TO LIMIT THE CONSTITUTIONAL RIGHT TO PERFORM HEALING ACTS OF COMPLEMENTARY AND ALTERNATIVE HEALTH PRACTITIONERS. THIS SECTION PROVIDES AN EXEMPTION FOR ALTERNATIVE AND COMPLEMENTARY HEALTH PRACTITIONERS, BUT DOES NOT INFRINGE ON THE RIGHT OF OTHER OCCUPATIONS GOVERNED UNDER TITLE 12 TO PRACTICE THAT HAVE BEEN PASSED PREVIOUSLY.

(e)

56

57

(2) AS USED IN THIS SECTION, (a) "ALTERNATIVE AND COMPLEMENTARY HEALTH PRACTITIONERS" MEANS THOSE PERSONS PRACTICING NORMAL AND NATURAL HEALING ACTS WHICH SUPPORT AND STIMULATE A PERSON'S INHERENT SELF-HEALING PROCESS AND DOES NOT INCLUDE SURGERIES, PUNCTURING OF THE SKIN, OR PRESCRIBING LEGEND DRUGS. NOR DOES IT INCLUDE CHIROPRACTIC ADJUSTMENTS. ALTERNATIVE AND COMPLEMENTARY HEALTH PRACTITIONERS MAY NOT HOLD OUT, STATE, INDICATE, ADVERTISE, OR IMPLY TO A CLIENT OR PROSPECTIVE CLIENT THAT HE OR SHE IS A PHYSICIAN OR SURGEON OR HOLDS ANY OTHER TITLE OR DESIGNATION PROTECTED UNDER ARTICLES 29 TO 43 OF COLORADO STATUTE TITLE 12. NO ALTERNATIVE AND COMPLEMENTARY HEALTH PRACTITIONERS MAY HOLD OUT BY ADVERTISING OR ANY OTHER MEANS TO ANY PERSON THAT HE OR SHE IS A HEALTH CARE PRACTITIONER LICENSED, CERTIFIED, OR REGISTERED BY THE STATE OF COLORADO. NO ALTERNATIVE OR COMPLEMENTARY HEALTH PRACTITIONER MAY TREAT A HEALTH CONDITION OF AN INDIVIDUAL, AND AS A RESULT CAUSE THAT INDIVIDUAL TO BE SUBJECTED TO AN IMMINENT AND SIGNIFICANT RISK OF DISCERNABLE AND SIGNIFICANT PHYSICAL OR MENTAL INJURY, UNDER CIRCUMSTANCES IN WHICH THE PERSON KNEW, OR IN THE EXERCISE OF REASONABLE CARE SHOULD HAVE KNOWN, THAT THE TREATMENT WOULD RESULT IN SUCH RISK.

(b) ALTERNATIVE AND COMPLEMENTARY HEALTH PRACTITIONERS PROVIDING SERVICES IN COLORADO WHO ARE NOT LICENSED, CERTIFIED, OR REGISTERED BY THIS STATE AS A HEALTH CARE PRACTITIONER UNDER THE DIVISION OF REGISTRATION IN THE DEPARTMENT OF REGULATORY AGENCIES, AND WHO IS ADVERTISING OR CHARGING A FEE FOR THOSE SERVICES, SHALL, WITH RESPECT TO EACH CLIENT OR PROSPECTIVE CLIENT, DURING THE INITIAL CLIENT CONTACT;

(1) PROVIDE TO THE CLIENT OR PROSPECTIVE CLIENT THE FOLLOWING INFORMATION IN A PLAINLY WORDED, WRITTEN STATEMENT;

Formatted: Not Small caps

Deleted: NOTWITHSTANDING THE WIDESPREAD UTILIZATION OF THESE HEALTH

30. CARE AND HEALING ARTS SERVICES BY RESIDENTS OF COLORADO, THE

31. PROVISION OF SUCH SERVICES IN MANY CIRCUMSTANCES MAY BE

32. INTERPRETED AS BEING ... [3]

Formatted: Small caps

Deleted: 50

Deleted: 51

Deleted: e

Deleted: BE IT FURTHER KNOWN ... [4]

Deleted: NO BILL, ACT OR ... [5]

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Deleted: ¶

Formatted: Not Small caps

Formatted: Small caps

Deleted: ¶

Deleted: 59. (a) ... [6]

Formatted: Small caps

Deleted: ¶

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Indent: Left: 0.5"

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Indent: Left: 0.5"

(I) THE PRACTITIONER'S NAME, BUSINESS ADDRESS, AND TELEPHONE NUMBER;

Formatted: Small caps

(II) AN ACKNOWLEDGEMENT THAT THE PRACTITIONER IS NOT LICENSED, CERTIFIED, OR REGISTERED AS A HEALTH CARE PRACTITIONER BY THE STATE OF COLORADO;

Formatted: Indent: Left: 1", First line: 0", Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.5" + Indent at: 1.5", Tabs: 1", List tab + 1.25", Left + Not at 1.5" + 2"

(III) THE NATURE OF THE SERVICES TO BE PROVIDED; AND

Formatted: Small caps

Formatted: Small caps

(IV) A LISTING OF ANY DEGREES, TRAINING, EXPERIENCE, CREDENTIALS, LICENSES, CERTIFICATIONS, REGISTRATION, OR OTHER QUALIFICATIONS OF THE PRACTITIONER REGARDING THE SERVICES PROVIDED; AND

Formatted: Indent: Left: 1", Tabs: 1.25", Left + 1.5", Left

Formatted: Small caps

Formatted: Small caps

(V) OBTAIN FROM THE CLIENT OR PROSPECTIVE CLIENT A WRITTEN ACKNOWLEDGMENT STATING THAT HE OR SHE HAS BEEN PROVIDED WITH THE INFORMATION DESCRIBED ABOVE. THE PRACTITIONER SHALL GIVE THE CLIENT OR PROSPECTIVE CLIENT A COPY OF THE ACKNOWLEDGEMENT AND SHALL KEEP THE ORIGINAL FOR AT LEAST TWO YEARS.

Formatted: Small caps

Formatted: Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 4 + Alignment: Left + Aligned at: 1" + Tab after: 1.5" + Indent at: 1.5", Tabs: 1.38", Left + Not at 1.5" + 2"

Formatted: Small caps

C) AN ALTERNATIVE OR COMPLEMENTARY HEALTH PRACTITIONER THAT VIOLATES ANY OF THIS SECTION SHALL BE SUBJECT TO LAWS REGARDING THE UNAUTHORIZED PRACTICE OF A PROFESSION AND MAY BE SUBJECT TO PENALTIES SPECIFIED IN THE RELEVANT COLORADO STATUTES UNDER THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES WHICH HAS JURISDICTION OVER SUCH PRACTICE. PRIOR TO ANY LEGAL ACTION, AS A PRECONDITION TO THE IMPOSITION OF CIVIL OR ADMINISTRATIVE PENALTIES, A NOTIFICATION, EDUCATIONAL, OR MEDIATION APPROACH REASONABLY CALCULATED TO BRING THE PRACTITIONER INTO COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

Formatted: Indent: Left: 1"

Formatted: Small caps

Formatted: Indent: Left: 1", Hanging: 0.06", Tabs: 1", List tab + 1.31", Left + Not at 1.5"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0.5", Tabs: 0.75", List tab + Not at 0.5" + 1.75"

Formatted: Bullets and Numbering

Formatted: Small caps

(d) THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT A LICENSED HEALTH CARE PRACTITIONER WHO IS ALREADY PRACTICING IN THE STATE OF COLORADO FROM DOING SO, NOR SHALL IT BE CONSTRUED TO PROHIBIT THOSE PROFESSIONALS OR THOSE PERSONS WHO ARE DEEMED EXEMPT AND ALREADY PRACTICING UNDER THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE RIGHT OF A PERSON TO SEEK RELIEF FOR NEGLIGENCE OR ANY OTHER CIVIL REMEDY AGAINST A PERSON PROVIDING SERVICES GOVERNED BY THIS SECTION.

Formatted: Indent: Left: 0.5", Hanging: 0.25", Tabs: Not at 0"

Formatted: Not Small caps

Formatted: Small caps

Deleted: 60 PRACTITIONERS" MEANS THOSE PERSONS PRACTICING NORMAL AND NATURAL HEALING ... [9]

Formatted: ... [10]

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

Formatted: Small caps

45 OPTION FOR CONSUMERS, IN ORDER TO PROTECT THOSE
OPTIONS AND IN
46 CONSIDERATION OF THE PUBLIC'S HEALTH AND WELFARE, THE
CITIZENS
47 OF COLORADO HEREBY CLAIM THIS CONSTITUTIONAL
AMENDMENT TO
48 REMOVE TECHNICAL BARRIERS THAT IMPEDE THE PUBLIC'S
ACCESS TO
49 UNREGULATED PRACTITIONERS.

Page 3: [4] Deleted

4/3/2008 6:14:00 PM

BE IT FURTHER KNOWN THAT

Page 3: [5] Deleted

4/3/2008 6:18:00 PM

NO BILL, ACT OR RESOLUTION MAY BE

52 PASSED INTO LAW TO LIMIT THE PUBLIC'S CONSTITUTIONAL AND
GOD
53 GIVEN RIGHT TO OBTAIN COMPLEMENTARY AND ALTERNATIVE
HEALTH
54 CARE BY IMPOSING GOVERNMENTAL OVERSIGHT OF
COMPLEMENTARY
55 AND ALTERNATIVE HEALTH CARE PRACTITIONERS.

Page 3: [6] Deleted

4/3/2008 4:52:00 PM

58

Page 3: [7] Deleted

4/3/2008 6:22:00 PM

"ALTERNATIVE AND COMPLEMENTARY HEALTH CARE

Page 3: [8] Formatted

4/4/2008 9:04:00 AM

Indent: Left: 0", Hanging: 0.5"

Page 4: [9] Deleted

4/3/2008 6:22:00 PM

60 PRACTITIONERS " MEANS THOSE PERSONS PRACTICING NORMAL
61 AND NATURAL HEALING ACTS WHICH SUPPORT AND STIMULATE
A
62 PERSON'S INHERENT SELF-HEALING PROCESS AND DOES NOT
63 INCLUDE, SURGERIES, PUNCTURING OF THE SKIN OR
PRESCRIBING
64 LEGEND DRUGS WHICH ARE CONSIDERED ALLOPATHIC
MEDICINE,
65 NOR DOES IT INCLUDE CHIROPRACTIC ADJUSTMENTS.
66

Page 4: [10] Formatted

4/3/2008 6:24:00 PM

Indent: Left: 0", First line: 0"