

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0330.01 Kristen Forrestal

HOUSE BILL 10-1224

HOUSE SPONSORSHIP

Gerou and Gagliardi, Primavera, Riesberg, Tyler

SENATE SPONSORSHIP

Boyd,

House Committees

Health and Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE COLORADO PODIATRY
102 BOARD.

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://www.leg.state.co.us/billsummaries>.)

Sunset Process - House Health and Human Services Committee. Sections 1, 2, and 6 of the bill extend the Colorado board of podiatry until July 1, 2019.

Section 3 amends the definition of the "practice of podiatry" to clarify that podiatrists may treat the soft tissue below the mid-calf.

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.

Section 4 allows a licensed podiatrist to perform ankle surgery without certification by the American board of podiatric surgery if he or she has completed a 3-year residency program.

Section 5 changes the required minimum levels of liability insurance for podiatrists who perform surgical procedures from \$500,000 per claim to \$1,000,000 per claim and from \$1,500,000 per year for all claims to \$3,000,000 per year for all claims. This section also requires a podiatry training license for persons in an approved podiatry residency program.

Section 6 prohibits the public member of the Colorado podiatry board (board) from being a licensed health care professional or from being employed in or benefitting financially from the health care industry. This section also repeals the office of secretary from the board and updates the operation of the board to reflect current practice.

Section 8 amends the licensure qualifications to require the completion of one year of an approved residency program and allows the board to promulgate rules to define an approved residency. This section also requires an applicant for initial licensure to demonstrate that, during the 2 years immediately preceding the date the application is received by the board, he or she was enrolled in a medical school or residency program, passed the national examination, was engaged in the active practice of podiatry, or can otherwise demonstrate competency.

Section 9 repeals the section regarding a fee for the podiatry examination and the administration of the examination by the podiatry board.

Section 10 clarifies the definition of "unprofessional conduct" regarding the excessive use or abuse of alcohol or controlled substances, adds a 30-day period in which a licensee shall report to the board any adverse actions taken against the licensee, and adds the failure to respond to a complaint made to the board to the definition of unprofessional conduct.

Section 11 creates a volunteer podiatrist license as an alternative to the regular license for those who no longer earn income from the practice of podiatry. This section also creates a podiatry training license for persons in a podiatry residency program in Colorado.

Section 12 requires an applicant for licensure by endorsement to demonstrate that in the previous 2 years he or she has been actively engaged in the practice of podiatry or can otherwise demonstrate competency.

Section 13 allows the board to impose a fine for a violation of the practice act. This section also changes the time period for a podiatrist who is the subject of a complaint to respond from 20 to 30 days.

Section 14 allows the board to suspend the license of a podiatrist for the failure to comply with a condition imposed by the board.

Section 16 broadens the existing exemption to the practice act for

surgeons commissioned to serve in the United States Army, Navy, or Marines to cover the United States armed forces.

Section 17 clarifies the role of the physician assistant issuing prescription drugs under the supervision of a podiatrist.

Sections 7 and 19 combine sections and remove duplicate language.

Sections 13, 15, 16, 18, 20, and 23 change statutes to make them gender-neutral.

Sections 21, 22, 24, and 25 repeal obsolete language.

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

2 **SECTION 1. Repeal.** 24-34-104 (41) (d), Colorado Revised
3 Statutes, is repealed as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for termination, continuation, or reestablishment.**

6 (41) The following agencies, functions, or both, shall terminate on July
7 1, 2010:

8 (d) ~~The Colorado podiatry board, created by article 32 of title 12,~~
9 ~~C.R.S.;~~

10 **SECTION 2.** 24-34-104 (50), Colorado Revised Statutes, is
11 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for termination, continuation, or reestablishment.**

14 (50) The following agencies, functions, or both, shall terminate on July
15 1, 2019:

16 (e) THE COLORADO PODIATRY BOARD, CREATED BY ARTICLE 32 OF
17 TITLE 12, C.R.S.

18 **SECTION 3.** 12-32-101 (3) (a), Colorado Revised Statutes, is
19 amended to read:

20 **12-32-101. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (3) (a) "Practice of podiatry" means:

3 (I) Holding out one's self to the public as being able to treat,
4 prescribe for, palliate, correct, or prevent any disease, ailment, pain,
5 injury, deformity, or physical condition of the human toe, foot, ankle, ~~and~~
6 tendons that insert into the foot, AND SOFT TISSUE BELOW THE MID-CALF,
7 by the use of any medical, surgical, mechanical, manipulative, or
8 electrical treatment, including complications thereof consistent with such
9 scope of practice;

10 (II) Suggesting, recommending, prescribing, or administering any
11 podiatric form of treatment, operation, or healing for the intended
12 palliation, relief, or cure of any disease, ailment, injury, condition, or
13 defect of the human toe, foot, ankle, ~~and~~ tendons that insert into the foot,
14 AND SOFT TISSUE BELOW THE MID-CALF, including complications thereof
15 consistent with such scope of practice; ~~with the intention of receiving,~~
16 ~~either directly or indirectly, any fee, gift, or compensation whatsoever;~~
17 and

18 (III) Maintaining an office or other place for the purpose of
19 examining and treating persons afflicted with disease, injury, or defect of
20 the human toe, foot, ankle, ~~and~~ tendons that insert into the foot, AND SOFT
21 TISSUE BELOW THE MID-CALF, including the complications thereof
22 consistent with such scope of practice.

23 **SECTION 4.** 12-32-101.5, Colorado Revised Statutes, is
24 amended to read:

25 **12-32-101.5. Podiatric surgery.** (1) Surgical procedures on the
26 ankle below the level of the dermis may be performed by a podiatrist
27 licensed in this state who: ~~is:~~

1 (a) IS certified IN RECONSTRUCTIVE REARFOOT/ANKLE SURGERY OR
2 FOOT AND ANKLE SURGERY by the American board of podiatric surgery or
3 ITS SUCCESSOR ORGANIZATION;

4 (b) IS performing surgery under the direct supervision of a
5 licensed podiatrist certified IN RECONSTRUCTIVE REARFOOT/ANKLE
6 SURGERY OR FOOT AND ANKLE SURGERY by the American board of
7 podiatric surgery or ITS SUCCESSOR ORGANIZATION;

8 (c) IS performing surgery under the direct supervision of a person
9 licensed to practice medicine and certified by the American board of
10 orthopedic surgery OR ITS SUCCESSOR ORGANIZATION or by the American
11 osteopathic board of orthopedic surgery OR ITS SUCCESSOR
12 ORGANIZATION; OR

13 (d) HAS COMPLETED A THREE-YEAR SURGICAL RESIDENCY
14 APPROVED BY THE COLORADO PODIATRY BOARD.

15 **SECTION 5.** 12-32-102 (1) and (2) (a), Colorado Revised
16 Statutes, are amended to read:

17 **12-32-102. Podiatry license required - professional liability**
18 **insurance required - exceptions.** (1) It is unlawful for any person to
19 practice podiatry within the state of Colorado who does not hold a license
20 to practice medicine issued by the Colorado state board of medical
21 examiners or a license to practice podiatry issued by the Colorado
22 podiatry board as provided by this article. A podiatry TRAINING license
23 is ~~not~~ required for a person serving a ~~one-year or two-year~~ AN approved
24 residency program. Such persons ~~must register with~~ SHALL BE LICENSED
25 BY the Colorado podiatry board ~~in such manner and form as such board~~
26 ~~shall prescribe~~ PURSUANT TO SECTION 12-32-107.4. As used in this
27 section, an "approved residency" is a residency in a hospital conforming

1 to the minimum standards for residency training established or approved
2 by the Colorado podiatry board, which has the authority, upon its own
3 investigation, to approve any residency.

4 (2) It is unlawful for any person to practice podiatry within the
5 state of Colorado unless such person purchases and maintains
6 professional liability insurance as follows:

7 (a) If such person performs surgical procedures, professional
8 liability insurance shall be maintained in an amount not less than ~~five~~
9 ~~hundred thousand~~ ONE MILLION dollars per claim and ~~one~~ THREE million
10 ~~five hundred thousand~~ dollars per year for all claims;

11 **SECTION 6.** 12-32-103 (1), (2), and (4) (b), Colorado Revised
12 Statutes, are amended to read:

13 **12-32-103. Appointment of members of podiatry board - terms**

14 **- repeal of article.** (1) The governor shall appoint the members of the
15 Colorado podiatry board. The board shall consist of four podiatrist
16 members and one member from the public at large. THE MEMBER FROM
17 THE PUBLIC SHALL NOT BE A LICENSED HEALTH CARE PROFESSIONAL OR BE
18 EMPLOYED BY OR BENEFIT FINANCIALLY FROM THE HEALTH CARE
19 INDUSTRY. The terms of the members of the board shall be four years.
20 The governor may remove any member of the board for misconduct,
21 incompetency, or neglect of duty. MEMBERS OF THE BOARD SHALL
22 REMAIN IN OFFICE UNTIL THEIR SUCCESSORS ARE APPOINTED.

23 (2) The Colorado podiatry board shall elect biennially from its
24 membership a president AND a vice-president. ~~and a secretary. Regular~~
25 ~~meetings of the board shall be held as scheduled by the board in the state~~
26 ~~of Colorado. Special meetings of the board may be called by the~~
27 ~~president or by three members of the board at any time on three days'~~

1 ~~prior notice by mail or, in case of emergency, on twenty-four hours' notice~~
2 ~~by telephone, or telegraph, any such meetings to be held at the place~~
3 ~~designated in the call therefor. A majority of the board shall constitute a~~
4 ~~quorum for the transaction of all business. All meetings of the board~~
5 ~~shall be deemed to have been duly called and regularly held, and all~~
6 ~~decisions, resolutions, and proceedings of the board shall be deemed to~~
7 ~~have been duly authorized, unless the contrary be proved.~~

8 (4) (b) This article is repealed, effective July 1, 2010 2019.

9 **SECTION 7. Repeal.** 12-32-104 (2), Colorado Revised Statutes,
10 is repealed as follows:

11 **12-32-104. Powers and duties of board.** (2) ~~The list of~~
12 ~~licensees described in section 12-32-115 and any other material circulated~~
13 ~~in quantity outside the executive branch shall be issued in accordance~~
14 ~~with the provisions of section 24-1-136, C.R.S.~~

15 **SECTION 8.** 12-32-105, Colorado Revised Statutes, is amended
16 to read:

17 **12-32-105. Examination as to qualifications.** (1) Every person
18 desiring to practice podiatry in this state shall be examined as to his or her
19 qualifications, except as otherwise provided in this article. Each
20 applicant ~~at least thirty days before the date of his or her examination,~~
21 ~~shall present to the secretary of the Colorado podiatry board a written~~
22 ~~application upon the form provided by said board, which application shall~~
23 ~~contain~~ SHALL SUBMIT, IN A MANNER APPROVED BY THE COLORADO
24 PODIATRY BOARD, AN APPLICATION CONTAINING satisfactory proof that
25 said applicant:

- 26 (a) Is twenty-one years of age;
- 27 (b) Is a graduate of a school of podiatry at which not less than a

1 two-year prepodiatry course and a four-year course of podiatry is required
2 and ~~which~~ THAT is recognized and approved by the Colorado podiatry
3 board; and

4 (c) Has completed ~~an approved~~ ONE YEAR OF A residency ~~pursuant~~
5 ~~to subsection (3) of this section~~ PROGRAM APPROVED BY THE COLORADO
6 PODIATRY BOARD AS ESTABLISHED BY RULES PROMULGATED BY THE
7 BOARD; AND

8 (d) IN THE TWO YEARS IMMEDIATELY PRECEDING THE DATE THE
9 APPLICATION IS RECEIVED BY THE COLORADO PODIATRY BOARD, HAS BEEN
10 ENROLLED IN PODIATRIC MEDICAL SCHOOL OR IN A RESIDENCY PROGRAM,
11 HAS PASSED THE NATIONAL EXAMINATION, HAS BEEN ENGAGED IN THE
12 ACTIVE PRACTICE OF PODIATRY AS DEFINED BY THE BOARD, OR CAN
13 OTHERWISE DEMONSTRATE COMPETENCY AS DETERMINED BY THE BOARD.

14 (2) ~~The examination, if written, shall be written in the English~~
15 ~~language, but the board, in its discretion, may use supplementary oral or~~
16 ~~practical examinations. The subjects in which the applicant shall be~~
17 ~~examined are the basic and clinical sciences and such other subjects as the~~
18 ~~board may deem advisable, limited in their scope to the treatment of the~~
19 ~~human foot. Qualification in that portion of the examination relating to~~
20 ~~the basic sciences shall be established by the applicant submitting proof~~
21 ~~satisfactory to the Colorado podiatry board of successfully passing the~~
22 ~~examination in the basic sciences given by the national board of podiatry~~
23 ~~examiners.~~

24 (3) ~~An approved residency is a residency:~~

25 (a) ~~Of at least one year in a hospital conforming to the minimum~~
26 ~~standards of resident training established by the council on podiatric~~
27 ~~medical education or any successor organization; or~~

1 ~~(b) That has been approved by the Colorado podiatry board.~~

2 **SECTION 9. Repeal.** 12-32-106, Colorado Revised Statutes, is
3 repealed as follows:

4 **12-32-106. Fees for examination - passing grade - date of**
5 **examination.** Every applicant for an examination for a license to practice
6 podiatry, at the time of filing the application, shall pay a fee which shall
7 be determined and collected pursuant to section 24-34-105, C.R.S.
8 Subject to the provisions of section 12-32-104, the Colorado podiatry
9 board shall grade the examination. The board may designate
10 representatives to administer and score the examination. To insure
11 impartiality, the written examination of any applicant shall not contain his
12 name but shall be identified by number, and the board shall not know an
13 applicant's identity when his examination is graded. The passing score in
14 each part of the examination shall be determined by the board, which
15 shall ensure that such score measures the level of minimum competency
16 for the practice of podiatry. If an applicant fails to meet minimum grade
17 requirements, he may be reexamined upon paying a fee to be determined
18 pursuant to section 24-34-105, C.R.S. If he fails in a second examination,
19 further examinations may be taken, but such examinee shall be required
20 to file a new application for each subsequent examination and pay a fee
21 to be determined pursuant to section 24-34-105, C.R.S. No fees remitted
22 with an application shall be refunded, but, in case an applicant is
23 prevented through no fault of his own from taking the examination
24 applied for, he may take a subsequently scheduled examination within
25 one year without payment of another fee or submission of a new
26 application.

27 **SECTION 10.** 12-32-107 (1), (3) (b), (3) (f), (3) (y), (3) (bb), and

1 (3.5), Colorado Revised Statutes, are amended, and the said 12-32-107 (3)
2 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
3 read:

4 **12-32-107. Issuance, revocation, or suspension of license -**
5 **probation - immunity in professional review.** (1) (a) If the Colorado
6 podiatry board determines that an applicant possesses the qualifications
7 required by this article, has paid a fee to be determined and collected
8 pursuant to section 24-34-105, C.R.S., and is entitled to a license to
9 practice podiatry, the board shall issue such license. ~~which shall be signed~~
10 ~~by its president or vice-president and attested to by its secretary.~~

11 (b) If the Colorado podiatry board determines that an applicant for
12 a license to practice podiatry does not possess the qualifications required
13 by this article or that he OR SHE has done any of the acts defined in
14 subsection (3) of this section as unprofessional conduct, it may refrain
15 from issuing a license, and the applicant may proceed as provided in
16 section 24-4-104 (9), C.R.S.

17 (3) "Unprofessional conduct" as used in this article means:

18 (b) Resorting to fraud, misrepresentation, or material deception,
19 or making a misleading omission, in applying for, securing, renewing, or
20 seeking reinstatement of a license TO PRACTICE PODIATRY IN THIS STATE
21 OR ANY OTHER STATE, IN APPLYING FOR PROFESSIONAL LIABILITY
22 COVERAGE REQUIRED PURSUANT TO SECTION 12-32-109.5 OR FOR
23 PRIVILEGES AT A HOSPITAL OR OTHER HEALTH CARE FACILITY, or in taking
24 the examination required in this article;

25 (f) Habitual ~~intemperance~~ or excessive use OR ABUSE of ~~any~~
26 ~~habit-forming drug~~ ALCOHOL or ~~any~~ controlled ~~substance as defined in~~
27 ~~section 12-22-303 (7)~~ SUBSTANCES;

1 (y) Refusing to complete and submit the renewal questionnaire,
2 or failing to report all of the relevant facts, or falsifying any information
3 on the questionnaire as required pursuant to section ~~12-32-115 (2) (b)~~
4 12-32-111;

5 (bb) Failing to report to the COLORADO PODIATRY board WITHIN
6 THIRTY DAYS any adverse action taken against the licensee by another
7 licensing agency in another state, territory, or country, any peer review
8 body, any health care institution, any professional or medical society or
9 association, any governmental agency, any law enforcement agency, or
10 any court for acts of conduct that would constitute grounds for action as
11 described in this article;

12 (ff) FAILING TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE,
13 AND TIMELY MANNER TO A COMPLAINT ISSUED PURSUANT TO SECTION
14 12-32-108.3.

15 ~~(3.5) Any disciplinary action imposed with respect to the practice~~
16 ~~of podiatry in any other state, territory, or country for disciplinary reasons~~
17 ~~shall be deemed to be prima facie evidence of unprofessional conduct~~
18 THE DISCIPLINE OF A LICENSEE FOR ACTS RELATED TO THE PRACTICE OF
19 PODIATRY IN ANOTHER STATE, TERRITORY, OR COUNTRY SHALL BE
20 DEEMED UNPROFESSIONAL CONDUCT. FOR PURPOSES OF THIS SUBSECTION
21 (3.5), "DISCIPLINE" INCLUDES ANY SANCTION REQUIRED TO BE REPORTED
22 PURSUANT TO 45 CFR 60.8. This subsection (3.5) shall apply only to
23 disciplinary action based upon acts or omissions in such other state,
24 territory, or country substantially as defined as unprofessional conduct
25 pursuant to subsection (3) of this section.

26 **SECTION 11.** Article 32 of title 12, Colorado Revised Statutes,
27 is amended BY THE ADDITION OF THE FOLLOWING NEW

1 SECTIONS to read:

2 **12-32-107.2. Volunteer podiatrist license.** (1) ANY PERSON
3 LICENSED TO PRACTICE PODIATRY PURSUANT TO THIS ARTICLE MAY APPLY
4 TO THE COLORADO PODIATRY BOARD FOR VOLUNTEER LICENSURE STATUS.
5 ANY SUCH APPLICATION SHALL BE IN THE FORM AND MANNER DESIGNATED
6 BY THE BOARD. THE BOARD MAY GRANT SUCH STATUS BY ISSUING A
7 VOLUNTEER LICENSE, OR IT MAY DENY THE APPLICATION IF THE LICENSEE
8 HAS BEEN DISCIPLINED FOR ANY OF THE CAUSES SET FORTH IN SECTION
9 12-32-107.

10 (2) ANY PERSON APPLYING FOR A LICENSE UNDER THIS SECTION
11 SHALL:

12 (a) ATTEST THAT, AFTER A DATE CERTAIN, THE APPLICANT NO
13 LONGER EARNS INCOME AS A PODIATRIST;

14 (b) PAY THE LICENSE FEE AUTHORIZED BY SECTION 24-34-105,
15 C.R.S. THE VOLUNTEER PODIATRIST LICENSE FEE SHALL BE REDUCED
16 FROM THE LICENSE FEE CHARGED PURSUANT TO SECTION 12-32-115.

17 (c) MAINTAIN LIABILITY INSURANCE AS PROVIDED IN SECTION
18 12-32-102.

19 (3) THE VOLUNTEER STATUS OF A LICENSEE SHALL BE PLAINLY
20 INDICATED ON THE FACE OF ANY VOLUNTEER LICENSE ISSUED PURSUANT
21 TO THIS SECTION.

22 (4) THE COLORADO PODIATRY BOARD IS AUTHORIZED TO CONDUCT
23 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION 12-32-108.3 AGAINST
24 ANY PERSON LICENSED UNDER THIS SECTION FOR AN ACT COMMITTED
25 WHILE SUCH PERSON WAS LICENSED PURSUANT TO THIS SECTION.

26 (5) ANY PERSON LICENSED UNDER THIS SECTION MAY APPLY TO
27 THE COLORADO PODIATRY BOARD FOR A RETURN TO ACTIVE LICENSURE

1 STATUS BY FILING AN APPLICATION IN THE FORM AND MANNER
2 DESIGNATED BY THE BOARD. THE BOARD MAY APPROVE SUCH
3 APPLICATION AND ISSUE A LICENSE TO PRACTICE PODIATRY OR MAY DENY
4 THE APPLICATION IF THE LICENSEE HAS BEEN DISCIPLINED FOR OR
5 ENGAGED IN ANY OF THE ACTIVITIES SET FORTH IN SECTION 12-32-107.

6 (6) A PODIATRIST WITH A VOLUNTEER LICENSE SHALL ONLY
7 PROVIDE PODIATRY SERVICES IF THE SERVICES ARE PERFORMED ON A
8 LIMITED BASIS FOR NO FEE OR OTHER COMPENSATION.

9 **12-32-107.4. Podiatry training license.** (1) THE COLORADO
10 PODIATRY BOARD SHALL ISSUE A PODIATRY TRAINING LICENSE TO AN
11 APPLICANT WHO HAS:

12 (a) GRADUATED FROM A PODIATRIC MEDICAL SCHOOL APPROVED
13 BY THE COLORADO PODIATRY BOARD;

14 (b) PASSED THE PART I AND PART II EXAMINATIONS BY THE
15 NATIONAL BOARD OF PODIATRIC MEDICAL EXAMINERS OR ITS SUCCESSOR
16 ORGANIZATION; AND

17 (c) BEEN ACCEPTED INTO A PODIATRIC RESIDENCY PROGRAM IN
18 COLORADO.

19 (2) AT LEAST THIRTY DAYS PRIOR TO THE DATE THE APPLICANT
20 BEGINS THE RESIDENCY PROGRAM, THE APPLICANT SHALL SUBMIT A
21 STATEMENT TO THE COLORADO PODIATRY BOARD FROM THE RESIDENCY
22 DIRECTOR OF AN APPROVED RESIDENCY PROGRAM IN COLORADO THAT
23 STATES THE APPLICANT MEETS THE NECESSARY QUALIFICATIONS AND
24 THAT THE RESIDENCY PROGRAM ACCEPTS RESPONSIBILITY FOR THE
25 APPLICANT'S TRAINING WHILE IN THE PROGRAM.

26 (3) WHERE FEASIBLE, THE APPLICANT SHALL SUBMIT A COMPLETED
27 APPLICATION, ON A FORM APPROVED BY THE COLORADO PODIATRY BOARD,

1 ON OR BEFORE THE DATE ON WHICH THE APPLICANT BEGINS THE APPROVED
2 RESIDENCY. A PODIATRY TRAINING LICENSE GRANTED PURSUANT TO THIS
3 SECTION SHALL EXPIRE IF A COMPLETED APPLICATION IS NOT RECEIVED BY
4 THE BOARD WITHIN SIXTY DAYS AFTER THE APPLICANT BEGINS THE
5 APPROVED RESIDENCY.

6 (4) THE COLORADO PODIATRY BOARD MAY REFUSE TO ISSUE A
7 PODIATRIC TRAINING LICENSE TO AN APPLICANT WHO DOES NOT HAVE THE
8 NECESSARY QUALIFICATIONS, WHO HAS ENGAGED IN UNPROFESSIONAL
9 CONDUCT PURSUANT TO SECTION 12-32-107, OR WHO HAS BEEN
10 DISCIPLINED BY A LICENSING BOARD IN ANOTHER JURISDICTION.

11 (5) A PERSON WITH A PODIATRIC TRAINING LICENSE SHALL ONLY
12 PRACTICE PODIATRY UNDER THE SUPERVISION OF A LICENSED PODIATRIST
13 OR A PHYSICIAN LICENSED TO PRACTICE MEDICINE WITHIN THE RESIDENCY
14 PROGRAM. A PERSON WITH A PODIATRY TRAINING LICENSE SHALL NOT
15 DELEGATE PODIATRIC OR MEDICAL SERVICES TO A PERSON WHO IS NOT
16 LICENSED TO PRACTICE PODIATRY OR MEDICINE AND SHALL NOT HAVE THE
17 AUTHORITY TO SUPERVISE PHYSICIAN ASSISTANTS.

18 (6) THE PODIATRY TRAINING LICENSE SHALL NOT BE RENEWED AND
19 SHALL EXPIRE:

20 (a) NO LATER THAN THREE YEARS AFTER THE DATE THE LICENSE
21 IS ISSUED;

22 (b) IF THE TRAINING LICENSEE IS NO LONGER PARTICIPATING IN THE
23 RESIDENCY PROGRAM; OR

24 (c) WHEN THE TRAINING LICENSEE RECEIVES A LICENSE TO
25 PRACTICE PODIATRY PURSUANT TO SECTION 12-32-107.

26 **SECTION 12.** 12-32-108 (1) and (3), Colorado Revised Statutes,
27 are amended to read:

1 **12-32-108. Licensure by endorsement.** (1) The Colorado
2 podiatry board may issue a license by endorsement to engage in the
3 practice of podiatry in this state to any applicant who has a license in
4 good standing as a podiatrist under the laws of another jurisdiction if the
5 applicant presents proof satisfactory to the board that, at the time of
6 application for a Colorado license by endorsement, the applicant
7 possesses credentials and qualifications ~~which~~ THAT are substantially
8 equivalent to requirements in Colorado for licensure by examination, AND
9 THAT IN THE TWO YEARS IMMEDIATELY PRECEDING THE DATE OF THE
10 APPLICATION THE APPLICANT HAS BEEN ENGAGED IN THE ACTIVE PRACTICE
11 OF PODIATRY AS DEFINED BY THE BOARD OR CAN OTHERWISE
12 DEMONSTRATE COMPETENCY AS DETERMINED BY THE BOARD. The board
13 may specify by rule ~~and regulation~~ what shall constitute substantially
14 equivalent credentials and qualifications.

15 (3) "In good standing", as used in subsection (1) of this section,
16 means a license ~~which~~ THAT has not been revoked or suspended or
17 against which there are no CURRENT disciplinary or adverse actions.

18 **SECTION 13.** 12-32-108.3 (2) (a), (3), (8), (9), (10), (11) (a),
19 (11) (b), and (13), Colorado Revised Statutes, are amended, and the said
20 12-32-108.3 is further amended BY THE ADDITION OF A NEW
21 SUBSECTION, to read:

22 **12-32-108.3. Disciplinary action by board.** (2) (a) Complaints
23 in writing relating to the conduct of any podiatrist licensed or authorized
24 to practice podiatry in this state may be made by any person or may be
25 initiated by the Colorado podiatry board on its own motion. The
26 podiatrist complained of shall be given notice by first-class mail of the
27 nature of all matters complained of and shall be given ~~twenty~~ THIRTY days

1 to make explanation or answer thereto.

2 (3) (a) All formal complaints seeking disciplinary action against
3 a podiatrist shall be filed with the Colorado podiatry board. A formal
4 complaint shall set forth the charges with sufficient particularity as to
5 inform the podiatrist clearly and specifically of the acts of unprofessional
6 conduct with which he OR SHE is charged.

7 (b) The board may include in any disciplinary order placing a
8 podiatrist on probation such conditions as ~~said~~ THE board may deem
9 appropriate to assure that the podiatrist is physically, mentally, and
10 otherwise qualified to practice podiatry in accordance with generally
11 accepted professional standards of practice, including any or all of the
12 following:

13 (I) Submission by the podiatrist to such examinations as the board
14 may order to determine his OR HER physical or mental condition or his OR
15 HER professional qualifications;

16 (II) The taking by him OR HER of such therapy or courses of
17 training or education as may be needed to correct deficiencies found
18 either in the hearing or by such examinations;

19 (III) The review or supervision of his OR HER practice as may be
20 necessary to determine the quality of his OR HER practice and to correct
21 deficiencies therein; and

22 (IV) The imposition of restrictions upon the nature of his OR HER
23 practice to assure that he OR SHE does not practice beyond the limits of his
24 OR HER capabilities.

25 ~~(8) A majority of the members of the Colorado podiatry board~~
26 ~~shall constitute a quorum.~~

27 (9) Upon the expiration of the term of suspension, the license shall

1 be reinstated by the Colorado podiatry board if the holder thereof OF THE
2 LICENSE furnishes the board with evidence that he OR SHE has complied
3 with all terms of the suspension. If ~~such~~ THE evidence shows he OR SHE
4 has not complied with all terms of the suspension, the board shall
5 continue the suspension or revoke the license at a hearing, notice of
6 which and the procedure at which shall be as provided in this section.

7 (10) ~~In case any~~ IF A person holding a license to practice podiatry
8 in this state is determined to be mentally incompetent or insane by a court
9 of competent jurisdiction and a court enters, pursuant to part 3 or ~~part~~ 4
10 of article 14 of title 15 or section 27-10-109 (4) or 27-10-125, C.R.S., an
11 order specifically finding that the mental incompetency or insanity is of
12 such a degree that the person holding a license is incapable of continuing
13 to practice podiatry, his OR HER license shall automatically be suspended
14 by the board, and, anything in this article to the contrary notwithstanding,
15 ~~such~~ THE suspension shall continue until the licensee is found by such
16 court to be competent to practice podiatry.

17 (11) (a) If the Colorado podiatry board has reasonable cause to
18 believe that a person licensed to practice podiatry in this state is unable
19 to practice podiatry with reasonable skill and safety to patients because
20 of a condition described in section 12-32-107 (3) (f) or (3) (p), it may
21 require ~~such~~ THE licensee to submit to mental or physical examinations
22 by physicians designated by ~~said~~ THE board. Upon the failure of ~~such~~ THE
23 licensee to submit to ~~such~~ THE mental or physical examinations, unless
24 due to circumstances beyond his OR HER control, the board may suspend
25 ~~such~~ THE licensee's license to practice podiatry in this state until such time
26 as he OR SHE submits to the required examinations and the board has
27 made a determination on the ability of ~~such~~ THE licensee based on the

1 results ~~thereof~~ OF THE EXAMINATIONS. The board shall ensure that all
2 examinations are conducted and evaluated in a timely manner.

3 (b) Every person licensed to practice podiatry in this state shall be
4 deemed, by so practicing or by applying for registration of his OR HER
5 license to practice podiatry in this state, to have given his OR HER consent
6 to submit to mental or physical examinations when directed in writing by
7 the board and, further, to have waived all objections to the admissibility
8 of the examining physician's testimony or examination reports on the
9 ground of privileged communication.

10 (13) A person licensed to practice podiatry or medicine who, at
11 the request of the Colorado podiatry board, examines another person
12 licensed to practice podiatry shall be immune from suit for damages by
13 the person examined if the examining person conducted the examination
14 and made his OR HER findings or diagnosis in good faith.

15 (20) THE COLORADO PODIATRY BOARD MAY IMPOSE A FINE, NOT
16 TO EXCEED FIVE THOUSAND DOLLARS, FOR A VIOLATION OF THIS ARTICLE.
17 ALL FINES COLLECTED PURSUANT TO THIS SUBSECTION (20) SHALL BE
18 TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS
19 TO THE GENERAL FUND.

20 **SECTION 14.** 12-32-108.3 (3), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22 **12-32-108.3. Disciplinary action by board.** (3) (c) UPON THE
23 FAILURE OF A LICENSEE TO COMPLY WITH ANY CONDITIONS IMPOSED BY
24 THE COLORADO PODIATRY BOARD PURSUANT TO PARAGRAPH (b) OF THIS
25 SUBSECTION (3), UNLESS COMPLIANCE IS BEYOND THE CONTROL OF THE
26 LICENSEE, THE BOARD MAY SUSPEND THE LICENSE OF THE LICENSEE UNTIL
27 THE LICENSEE COMPLIES WITH THE CONDITIONS OF THE BOARD.

1 **SECTION 15.** 12-32-108.5 (2), Colorado Revised Statutes, is
2 amended to read:

3 **12-32-108.5. Reconsideration and review of action of board.**

4 (2) Upon the receipt of ~~such~~ THE application, it may be forwarded to the
5 attorney general for such investigation as may be deemed necessary. A
6 copy of the application and the report of investigation shall be forwarded
7 to the board, which shall consider the same and report its findings and
8 conclusions. The proceedings shall be governed by the applicable
9 provisions governing formal hearings in disciplinary proceedings. The
10 attorney general may present evidence bearing upon the matters in issue,
11 and the burden shall be upon the applicant seeking reinstatement to
12 establish the averments of his OR HER application as specified in section
13 24-4-105 (7), C.R.S. No application for reinstatement or for modification
14 of a prior order shall be accepted unless the applicant deposits with the
15 board all amounts unpaid under any prior order of the board.

16 **SECTION 16.** 12-32-109 (2), (3), and (5), Colorado Revised
17 Statutes, are amended to read:

18 **12-32-109. Unauthorized practice - penalties.** (2) No person
19 shall advertise in any form or hold himself OR HERSELF out to the public
20 as a podiatrist, or, in any sign or any advertisement, use the word
21 "podiatrist", "foot specialist", "foot correctionist", "foot expert",
22 "practipedist", "podologist", or any other terms or letters indicating or
23 implying that he OR SHE is a podiatrist or that he OR SHE practices or holds
24 himself OR HERSELF out as practicing podiatry or foot correction in any
25 manner, without having, at the time of so doing, a valid, unsuspended,
26 and unrevoked license as required by this article.

27 (3) No podiatrist shall willfully cause the public to believe that he

1 OR SHE has qualifications extending beyond the limits of this article, and
2 no podiatrist shall willfully sign his OR HER name using the prefix
3 "Doctor" or "Dr." without following his OR HER name with "podiatrist",
4 "Doctor of Podiatric Medicine", or "D.P.M.". No podiatrist shall use the
5 title "podiatric physician" unless such title is followed by the words
6 "practice limited to treatment of the foot and ankle".

7 (5) The provisions of this article shall not apply to any physician
8 licensed to practice medicine or surgery, any regularly commissioned
9 surgeon of the United States ~~Army, Navy, or Marines~~ ARMED FORCES or
10 United States public health service, or any licensed osteopath.

11 **SECTION 17.** 12-32-109.3 (1), Colorado Revised Statutes, is
12 amended to read:

13 **12-32-109.3. Use of physician assistants.** (1) A person licensed
14 under the laws of this state to practice podiatry may delegate to a
15 physician assistant licensed by the Colorado state board of medical
16 examiners pursuant to section 12-36-106 (5) the authority to perform acts
17 ~~which~~ THAT constitute the practice of podiatry to the extent and in the
18 manner authorized by rules ~~and regulations~~ promulgated by the Colorado
19 podiatry board. ~~including the authority to prescribe, on a case-by-case~~
20 ~~basis and per-patient-visit basis as approved by the supervising podiatrist,~~
21 ~~and dispense only such drugs as designated by the Colorado podiatry~~
22 ~~board.~~ Such acts shall be consistent with sound practices of podiatry.
23 Each prescription issued by a physician assistant shall have ~~imprinted~~
24 ~~thereon the name of his supervising podiatrist, and under no~~
25 ~~circumstances shall a physician assistant write prescriptions unless~~
26 ~~countersigned by the supervising podiatrist~~ THE NAME OF HIS OR HER
27 SUPERVISING PODIATRIST PRINTED ON THE PRESCRIPTION. Nothing in this

1 section shall limit the ability of otherwise licensed health personnel to
2 perform delegated acts. The dispensing of prescription medication by a
3 physician assistant shall be subject to ~~the provisions of~~ section 12-22-121
4 (6).

5 **SECTION 18.** 12-32-109.5 (1) (e), the introductory portion to
6 12-32-109.5 (1) (g), and 12-32-109.5 (3), Colorado Revised Statutes, are
7 amended to read:

8 **12-32-109.5. Professional service corporations, limited liability**
9 **companies, and registered limited liability partnerships for the**
10 **practice of podiatry - definitions.** (1) Persons licensed to practice
11 podiatry by the Colorado podiatry board may form professional service
12 corporations for the practice of podiatry under the "Colorado Corporation
13 Code", if such corporations are organized and operated in accordance
14 with the provisions of this section. The articles of incorporation of such
15 corporations shall contain provisions complying with the following
16 requirements:

17 (e) Provisions shall be made requiring any shareholder who ceases
18 to be or for any reason is ineligible to be a shareholder to dispose of all
19 his OR HER shares ~~forthwith~~ IMMEDIATELY, either to the corporation or to
20 any person having the qualifications described in paragraph (d) of this
21 subsection (1).

22 (g) The articles of incorporation shall provide and all shareholders
23 of the corporation shall agree that all shareholders of the corporation shall
24 be jointly and severally liable for all acts, errors, and omissions of the
25 employees of the corporation or that all shareholders of the corporation
26 shall be jointly and severally liable for all acts, errors, and omissions of
27 the employees of the corporation except during periods of time when each

1 person licensed by the Colorado podiatry board to practice podiatry in
2 Colorado who is a shareholder or any employee of the corporation has a
3 professional liability policy insuring himself OR HERSELF and all
4 employees who are not licensed to practice podiatry who act at his OR HER
5 direction in the amount of fifty thousand dollars for each claim and an
6 aggregate top limit of liability per year for all claims of one hundred fifty
7 thousand dollars or the corporation maintains in good standing
8 professional liability insurance, which shall meet the following minimum
9 standards:

10 (3) Nothing in this section shall be deemed to diminish or change
11 the obligation of each person licensed to practice podiatry employed by
12 the corporation to conduct his OR HER practice in accordance with the
13 standards of professional conduct provided for in section 12-32-107 (3).
14 Any person licensed by the Colorado podiatry board to practice podiatry
15 who by act or omission causes the corporation to act or fail to act in a way
16 ~~which~~ THAT violates such standards of professional conduct, including
17 any provision of this section, shall be deemed personally responsible for
18 ~~such~~ THE act or omission and shall be subject to discipline ~~therefor~~ FOR
19 THE ACT OR OMISSION.

20 **SECTION 19.** 12-32-111, Colorado Revised Statutes, is amended
21 to read:

22 **12-32-111. Renewal of license.** (1) The Colorado podiatry board
23 shall set reasonable continuing education requirements for renewal of
24 license, but in no event shall the board require more than fourteen hours'
25 credit of continuing education per year. A podiatrist desiring to renew his
26 OR HER license to practice podiatry shall submit to the Colorado podiatry
27 board the information the board believes necessary to show that he OR

1 SHE has fulfilled the board's continuing education requirements and a fee
2 to be determined and collected pursuant to section 24-34-105, C.R.S.

3 (1.5) THE BOARD SHALL ESTABLISH A QUESTIONNAIRE TO
4 ACCOMPANY THE RENEWAL FORM. THE QUESTIONNAIRE SHALL BE
5 DESIGNED TO DETERMINE IF THE LICENSEE HAS ACTED IN VIOLATION OF, OR
6 HAS BEEN DISCIPLINED FOR ACTIONS THAT MIGHT BE CONSTRUED AS
7 VIOLATIONS OF, THIS ARTICLE OR THAT MAY MAKE THE LICENSEE UNFIT TO
8 PRACTICE PODIATRY WITH REASONABLE CARE AND SAFETY. THE FAILURE
9 OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE ACCURATELY SHALL
10 CONSTITUTE UNPROFESSIONAL CONDUCT PURSUANT TO SECTION
11 12-32-107.

12 (2) No license to practice podiatry ~~which~~ THAT has been
13 delinquent for more than two years shall be renewed unless the applicant
14 demonstrates to the Colorado podiatry board his OR HER continued
15 professional competence.

16 (3) ~~Any license issued by the Colorado podiatry board shall expire
17 for failure of the licensee to timely renew his license pursuant to the rules
18 and regulations established by the board, including the payment of all
19 required fees. Upon compliance with the applicable rules and regulations
20 regarding renewal and payment of fees, the expired license shall be
21 reinstated.~~

22 (4) RENEWAL OR REINSTATEMENT OF A LICENSE SHALL BE
23 PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE
24 DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY
25 AGENCIES, AND A LICENSE SHALL BE RENEWED OR REINSTATED PURSUANT
26 TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH
27 RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT

1 TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER
2 LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR,
3 THE LICENSE SHALL EXPIRE. A PERSON WHOSE LICENSE HAS EXPIRED
4 SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR IN
5 SECTION 24-34-102 (8), C.R.S. THE BOARD SHALL ESTABLISH THE
6 CRITERIA FOR REINSTATEMENT OF A LICENSE.

7 **SECTION 20.** 12-32-114, Colorado Revised Statutes, is amended
8 to read:

9 **12-32-114. Duplicates of license.** The Colorado podiatry board
10 is authorized to issue a duplicate license to any person to whom a license
11 to practice podiatry in this state has been issued, upon application,
12 properly verified by oath, establishing to the satisfaction of the board that
13 the original license has been lost or destroyed and upon payment to the
14 board of a fee to be determined by ~~regulation~~ RULE adopted by the board.
15 No person shall be entitled to a duplicate license unless he OR SHE is a
16 licensee in good standing.

17 **SECTION 21. Repeal.** 12-32-115, Colorado Revised Statutes,
18 is repealed as follows:

19 **12-32-115. Procedure - registration - fees.** ~~(1)(a) The Colorado~~
20 ~~podiatry board shall establish procedures for the maintenance of licensee~~
21 ~~lists and the establishment of renewal fees and schedules, which fees and~~
22 ~~schedules shall be established subject to the provisions of section~~
23 ~~24-34-102 (8), C.R.S. Every licensee shall pay the secretary a registration~~
24 ~~fee to be determined and collected pursuant to section 24-34-105, C.R.S.,~~
25 ~~and shall obtain a registration certificate for the current calendar year.~~

26 ~~(b) A licensee desiring to obtain a registration certificate shall~~
27 ~~submit the information necessary to show that he has fulfilled the~~

1 Colorado podiatry board's continuing education requirements. Any
2 licensee aggrieved by a decision relating to such continuing education
3 requirements may ask the executive director of the department of
4 regulatory agencies to review such requirements in accordance with the
5 procedures established by section 24-34-102 (11), C.R.S.

6 (2) (a) The secretary shall mail to each such licensee, at his last
7 address as shown by the records of the Colorado podiatry board, notice
8 of the provisions of paragraph (a) of subsection (1) of this section
9 together with such form of application for registration as may be
10 prescribed by the board. Failure of any licensee to pay the registration fee
11 authorized by paragraph (a) of subsection (1) of this section shall cause
12 any such license to lapse, and the name of any lapsed licensee shall be
13 omitted from such list.

14 (b) The board shall establish a questionnaire to accompany the
15 renewal form. Said questionnaire shall be designed to determine if the
16 licensee has acted in violation of or has been disciplined for actions that
17 might be construed as violations of this article or that might make the
18 licensee unfit to practice podiatry with reasonable care and safety.
19 Failure of the applicant to answer the questionnaire accurately shall be
20 considered unprofessional conduct as specified in section 12-32-107 (3).

21 (3) Renewal or reinstatement of a license shall be pursuant to a
22 schedule established by the director of the division of registrations within
23 the department of regulatory agencies and shall be renewed or reinstated
24 pursuant to section 24-34-102 (8), C.R.S. The director of the division of
25 registrations within the department of regulatory agencies may establish
26 renewal fees and delinquency fees for reinstatement pursuant to section
27 24-34-105, C.R.S. If a person fails to renew his or her license pursuant

1 to the schedule established by the director of the division of registrations,
2 such license shall expire. Any person whose license has expired shall be
3 subject to the penalties provided in this article or section 24-34-102 (8),
4 C.R.S. The board shall establish the criteria for reinstatement of a
5 license.

6 **SECTION 22. Repeal.** 12-32-116, Colorado Revised Statutes,
7 is repealed as follows:

8 **12-32-116. Certification of licensing.** Upon request therefor and
9 the payment of a fee determined pursuant to section 24-34-105, C.R.S.,
10 the secretary of the Colorado podiatry board shall issue its certificate or
11 endorsement with respect to the licensing of, and the official record of the
12 board relating to, any licensee to whom a license to practice podiatry in
13 this state has been issued by this or any prior board; and, upon request
14 therefor and the payment of a fee determined pursuant to section
15 24-34-105, C.R.S., the secretary shall issue a certificate evidencing that
16 any such licensee is duly licensed to practice podiatry in this state.

17 **SECTION 23.** 12-32-118, Colorado Revised Statutes, is amended
18 to read:

19 **12-32-118. Recovery of fees illegally paid.** If any licensee, in
20 violation of section 12-32-117, divides or agrees to divide any fee or
21 compensation received by him OR HER for services rendered in his OR HER
22 professional capacity with any person, ~~whomsoever~~, the person who has
23 paid such fee or compensation to ~~such~~ THE licensee may recover the
24 amount unlawfully paid or agreed to be paid from either the licensee or
25 from the person to whom ~~such~~ THE fee or compensation has been paid, by
26 an action to be instituted within two years ~~from~~ AFTER the date on which
27 ~~such~~ THE fee or compensation was ~~so~~ divided or agreed to be divided.

1 **SECTION 24. Repeal.** 12-32-119, Colorado Revised Statutes,
2 is repealed as follows:

3 **12-32-119. Existing licenses and proceedings.** ~~(1) Nothing in~~
4 ~~the act contained in chapter 105, Session Laws of Colorado 1979, shall~~
5 ~~be construed to invalidate the license of any person holding a valid,~~
6 ~~unrevoked, and unsuspended license on June 30, 1979, to practice~~
7 ~~podiatry in this state or to affect any disciplinary proceeding or appeal~~
8 ~~pending on June 30, 1979, or any appointment to the Colorado state board~~
9 ~~of medical examiners or the Colorado podiatry board or an inquiry panel~~
10 ~~or hearings panel thereof made on or before June 30, 1979.~~

11 ~~(2) Nothing in the act contained in chapter 107, Session Laws of~~
12 ~~Colorado 1985, shall be construed to invalidate the license of any person~~
13 ~~holding a valid, unrevoked, and unsuspended license on June 30, 1985,~~
14 ~~to practice podiatry in this state or to affect any disciplinary proceeding~~
15 ~~or appeal pending on June 30, 1985, or any appointment to the Colorado~~
16 ~~state board of medical examiners or the Colorado podiatry board or any~~
17 ~~inquiry panel or hearings panel thereof made on or before June 30, 1985.~~

18 **SECTION 25.** 19-3-304 (2) (h), Colorado Revised Statutes, is
19 amended to read:

20 **19-3-304. Persons required to report child abuse or neglect.**

21 (2) Persons required to report such abuse or neglect or circumstances or
22 conditions shall include any:

23 (h) ~~Chiropodist~~ or Podiatrist;

24 **SECTION 26. Specified effective date.** This act shall take effect
25 July 1, 2010.

26 **SECTION 27. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.