

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Health and Human Services

Finance

Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE COLORADO PODIATRY**
102 **BOARD, AND MAKING AN APPROPRIATION THEREFOR.**

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.

SENATE
3rd Reading Unam ended
April 28, 2010

SENATE
Am ended 2nd Reading
April 27, 2010

HOUSE
3rd Reading Unam ended
February 26, 2010

HOUSE
Am ended 2nd Reading
February 25, 2010

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), Colorado Revised Statutes, is
19 amended, and the said 12-32-101 is further amended BY THE
20 ADDITION OF A NEW SUBSECTION, to read:

1 **12-32-101. Definitions.** As used in this article, unless the context
2 otherwise requires:

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

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

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

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

24 (b) The "practice of podiatry" does not include the amputation of
25 the foot or the administration of an anesthetic other than a local
26 anesthetic.

27 (c) A PODIATRIST MAY ONLY TREAT A SOFT TISSUE WOUND BELOW

1 THE MID-CALF IF THE PATIENT IS BEING TREATED BY A PHYSICIAN FOR HIS
2 OR HER UNDERLYING MEDICAL CONDITION OR IF THE PODIATRIST REFERS
3 THE PATIENT TO A PHYSICIAN FOR FURTHER TREATMENT OF THE
4 UNDERLYING MEDICAL CONDITION.

5 (4) "SOFT TISSUE WOUND" MEANS A LESION TO THE
6 MUSCULOSKELETAL JUNCTION THAT INCLUDE DERMAL AND SUB-DERMAL
7 TISSUE THAT DO NOT INVOLVE BONE REMOVAL OR REPAIR OR MUSCLE
8 TRANSFER.

9 SECTION 4. 12-32-101.5, Colorado Revised Statutes, is
10 amended to read:

11 **12-32-101.5. Podiatric surgery.** (1) Surgical procedures on the
12 ankle below the level of the dermis may be performed by a podiatrist
13 licensed BEFORE JULY 1, 2010, in this state who: ~~is:~~

14 (a) Is certified ___ by the American board of podiatric surgery or
15 ITS SUCCESSOR ORGANIZATION;

16 (b) Is performing surgery under the direct supervision of a
17 licensed podiatrist certified ___ ___ by the American board of podiatric
18 surgery or ITS SUCCESSOR ORGANIZATION; EXCEPT THAT, IF THE
19 SUPERVISING PODIATRIST IS LICENSED ON OR AFTER JULY 1, 2010, THE
20 SUPERVISING PODIATRIST SHALL BE CERTIFIED IN RECONSTRUCTIVE
21 REARFOOT/ANKLE SURGERY OR FOOT AND ANKLE SURGERY BY THE
22 AMERICAN BOARD OF PODIATRIC SURGERY OR ITS SUCCESSOR
23 ORGANIZATION; OR

24 (c) Is performing surgery under the direct supervision of a person
25 licensed to practice medicine and certified by the American board of
26 orthopedic surgery OR ITS SUCCESSOR ORGANIZATION or by the American
27 osteopathic board of orthopedic surgery OR ITS SUCCESSOR

1 ORGANIZATION.

2 (2) SURGICAL PROCEDURES ON THE ANKLE BELOW THE LEVEL OF
3 THE DERMIS MAY BE PERFORMED BY A PODIATRIST LICENSED ON OR AFTER
4 JULY 1, 2010, IN THIS STATE WHO:

5 (a) IS CERTIFIED IN RECONSTRUCTIVE REARFOOT/ANKLE SURGERY
6 OR FOOT AND ANKLE SURGERY BY THE AMERICAN BOARD OF PODIATRIC
7 SURGERY OR ITS SUCCESSOR ORGANIZATION;

8 (b) IS PERFORMING SURGERY UNDER THE DIRECT SUPERVISION OF
9 A LICENSED PODIATRIST CERTIFIED BY THE AMERICAN BOARD OF
10 PODIATRIC SURGERY OR ITS SUCCESSOR ORGANIZATION; EXCEPT THAT, IF
11 THE SUPERVISING PODIATRIST IS LICENSED ON OR AFTER JULY 1, 2010, THE
12 SUPERVISING PODIATRIST SHALL BE CERTIFIED IN RECONSTRUCTIVE
13 REARFOOT/ANKLE SURGERY OR FOOT AND ANKLE SURGERY BY THE
14 AMERICAN BOARD OF PODIATRIC SURGERY OR ITS SUCCESSOR
15 ORGANIZATION;

16 (c) IS PERFORMING SURGERY UNDER THE DIRECT SUPERVISION OF
17 A PERSON LICENSED TO PRACTICE MEDICINE AND CERTIFIED BY THE
18 AMERICAN BOARD OF ORTHOPEDIC SURGERY OR ITS SUCCESSOR
19 ORGANIZATION OR BY THE AMERICAN OSTEOPATHIC BOARD OF
20 ORTHOPEDIC SURGERY OR ITS SUCCESSOR ORGANIZATION; OR

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

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

25 **12-32-102. Podiatry license required - professional liability**
26 **insurance required - exceptions.** (1) It is unlawful for any person to
27 practice podiatry within the state of Colorado who does not hold a license

1 to practice medicine issued by the Colorado state board of medical
2 examiners or a license to practice podiatry issued by the Colorado
3 podiatry board as provided by this article. A podiatry TRAINING license
4 is ~~not~~ required for a person serving a ~~one-year or two-year~~ AN approved
5 residency program. Such persons ~~must register with~~ SHALL BE LICENSED
6 BY the Colorado podiatry board ~~in such manner and form as such board~~
7 ~~shall prescribe~~ PURSUANT TO SECTION 12-32-107.4. As used in this
8 section, an "approved residency" is a residency in a hospital conforming
9 to the minimum standards for residency training established or approved
10 by the Colorado podiatry board, which has the authority, upon its own
11 investigation, to approve any residency.

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

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

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

21 **12-32-103. Appointment of members of podiatry board - terms**

22 **- repeal of article.** (1) The governor shall appoint the members of the
23 Colorado podiatry board. The board shall consist of four podiatrist
24 members and one member from the public at large. THE MEMBER FROM
25 THE PUBLIC SHALL NOT BE A LICENSED HEALTH CARE PROFESSIONAL OR BE
26 EMPLOYED BY OR BENEFIT FINANCIALLY FROM THE HEALTH CARE
27 INDUSTRY. The terms of the members of the board shall be four years.

1 The governor may remove any member of the board for misconduct,
2 incompetency, or neglect of duty. MEMBERS OF THE BOARD SHALL
3 REMAIN IN OFFICE UNTIL THEIR SUCCESSORS ARE APPOINTED.

4 (2) The Colorado podiatry board shall elect biennially from its
5 membership a president AND a vice-president. ~~and a secretary. Regular~~
6 ~~meetings of the board shall be held as scheduled by the board in the state~~
7 ~~of Colorado. Special meetings of the board may be called by the~~
8 ~~president or by three members of the board at any time on three days'~~
9 ~~prior notice by mail or, in case of emergency, on twenty-four hours' notice~~
10 ~~by telephone, or telegraph, any such meetings to be held at the place~~
11 ~~designated in the call therefor. A majority of the board shall constitute a~~
12 ~~quorum for the transaction of all business. All meetings of the board~~
13 ~~shall be deemed to have been duly called and regularly held, and all~~
14 ~~decisions, resolutions, and proceedings of the board shall be deemed to~~
15 ~~have been duly authorized, unless the contrary be proved.~~

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

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

19 **12-32-104. Powers and duties of board.** (2) ~~The list of~~
20 ~~licensees described in section 12-32-115 and any other material circulated~~
21 ~~in quantity outside the executive branch shall be issued in accordance~~
22 ~~with the provisions of section 24-1-136, C.R.S.~~

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

25 **12-32-105. Examination as to qualifications.** (1) Every person
26 desiring to practice podiatry in this state shall be examined as to his or her
27 qualifications, except as otherwise provided in this article. Each

1 applicant ~~at least thirty days before the date of his or her examination,~~
2 ~~shall present to the secretary of the Colorado podiatry board a written~~
3 ~~application upon the form provided by said board, which application shall~~
4 ~~contain~~ SHALL SUBMIT, IN A MANNER APPROVED BY THE COLORADO
5 PODIATRY BOARD, AN APPLICATION CONTAINING satisfactory proof that
6 said applicant:

7 (a) Is twenty-one years of age;

8 (b) Is a graduate of a school of podiatry at which not less than a
9 two-year prepodiatry course and a four-year course of podiatry is required
10 and ~~which~~ THAT is recognized and approved by the Colorado podiatry
11 board; and

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

16 (d) IN THE TWO YEARS IMMEDIATELY PRECEDING THE DATE THE
17 APPLICATION IS RECEIVED BY THE COLORADO PODIATRY BOARD, HAS BEEN
18 ENROLLED IN PODIATRIC MEDICAL SCHOOL OR IN A RESIDENCY PROGRAM,
19 HAS PASSED THE NATIONAL EXAMINATION, HAS BEEN ENGAGED IN THE
20 ACTIVE PRACTICE OF PODIATRY AS DEFINED BY THE BOARD, OR CAN
21 OTHERWISE DEMONSTRATE COMPETENCY AS DETERMINED BY THE BOARD.

22 (2) ~~The examination, if written, shall be written in the English~~
23 ~~language, but the board, in its discretion, may use supplementary oral or~~
24 ~~practical examinations. The subjects in which the applicant shall be~~
25 ~~examined are the basic and clinical sciences and such other subjects as the~~
26 ~~board may deem advisable, limited in their scope to the treatment of the~~
27 ~~human foot. Qualification in that portion of the examination relating to~~

1 the basic sciences shall be established by the applicant submitting proof
2 satisfactory to the Colorado podiatry board of successfully passing the
3 examination in the basic sciences given by the national board of podiatry
4 examiners.

5 (3) An approved residency is a residency:

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

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

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

12 **12-32-106. Fees for examination - passing grade - date of**
13 **examination.** Every applicant for an examination for a license to practice
14 podiatry, at the time of filing the application, shall pay a fee which shall
15 be determined and collected pursuant to section 24-34-105, C.R.S.
16 Subject to the provisions of section 12-32-104, the Colorado podiatry
17 board shall grade the examination. The board may designate
18 representatives to administer and score the examination. To insure
19 impartiality, the written examination of any applicant shall not contain his
20 name but shall be identified by number, and the board shall not know an
21 applicant's identity when his examination is graded. The passing score in
22 each part of the examination shall be determined by the board, which
23 shall ensure that such score measures the level of minimum competency
24 for the practice of podiatry. If an applicant fails to meet minimum grade
25 requirements, he may be reexamined upon paying a fee to be determined
26 pursuant to section 24-34-105, C.R.S. If he fails in a second examination,
27 further examinations may be taken, but such examinee shall be required

1 to file a new application for each subsequent examination and pay a fee
2 to be determined pursuant to section 24-34-105, C.R.S. No fees remitted
3 with an application shall be refunded, but, in case an applicant is
4 prevented through no fault of his own from taking the examination
5 applied for, he may take a subsequently scheduled examination within
6 one year without payment of another fee or submission of a new
7 application.

8 **SECTION 10.** 12-32-107 (1), (3) (b), (3) (f), (3) (y), (3) (bb), and
9 (3.5), Colorado Revised Statutes, are amended, and the said 12-32-107 (3)
10 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
11 read:

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

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

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

26 (b) Resorting to fraud, misrepresentation, or material deception,
27 or making a misleading omission, in applying for, securing, renewing, or

1 seeking reinstatement of a license TO PRACTICE PODIATRY IN THIS STATE
2 OR ANY OTHER STATE, IN APPLYING FOR PROFESSIONAL LIABILITY
3 COVERAGE REQUIRED PURSUANT TO SECTION 12-32-109.5 OR FOR
4 PRIVILEGES AT A HOSPITAL OR OTHER HEALTH CARE FACILITY, or in taking
5 the examination required in this article;

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

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

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

20 (ff) FAILING TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE,
21 AND TIMELY MANNER TO A COMPLAINT ISSUED PURSUANT TO SECTION
22 12-32-108.3.

23 (3.5) ~~Any disciplinary action imposed with respect to the practice~~
24 ~~of podiatry in any other state, territory, or country for disciplinary reasons~~
25 ~~shall be deemed to be prima facie evidence of unprofessional conduct~~
26 THE DISCIPLINE OF A LICENSEE FOR ACTS RELATED TO THE PRACTICE OF
27 PODIATRY IN ANOTHER STATE, TERRITORY, OR COUNTRY SHALL BE

1 DEEMED UNPROFESSIONAL CONDUCT. FOR PURPOSES OF THIS SUBSECTION
2 (3.5), "DISCIPLINE" INCLUDES ANY SANCTION REQUIRED TO BE REPORTED
3 PURSUANT TO 45 CFR 60.8. This subsection (3.5) shall apply only to
4 disciplinary action based upon acts or omissions in such other state,
5 territory, or country substantially as defined as unprofessional conduct
6 pursuant to subsection (3) of this section.

7 **SECTION 11.** Article 32 of title 12, Colorado Revised Statutes,
8 is amended BY THE ADDITION OF THE FOLLOWING NEW
9 SECTIONS to read:

10 **12-32-107.2. Volunteer podiatrist license.** (1) ANY PERSON
11 LICENSED TO PRACTICE PODIATRY PURSUANT TO THIS ARTICLE MAY APPLY
12 TO THE COLORADO PODIATRY BOARD FOR VOLUNTEER LICENSURE STATUS.
13 ANY SUCH APPLICATION SHALL BE IN THE FORM AND MANNER DESIGNATED
14 BY THE BOARD. THE BOARD MAY GRANT SUCH STATUS BY ISSUING A
15 VOLUNTEER LICENSE, OR IT MAY DENY THE APPLICATION IF THE LICENSEE
16 HAS BEEN DISCIPLINED FOR ANY OF THE CAUSES SET FORTH IN SECTION
17 12-32-107.

18 (2) ANY PERSON APPLYING FOR A LICENSE UNDER THIS SECTION
19 SHALL:

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

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

25 (c) MAINTAIN LIABILITY INSURANCE AS PROVIDED IN SECTION
26 12-32-102.

27 (3) THE VOLUNTEER STATUS OF A LICENSEE SHALL BE PLAINLY

1 INDICATED ON THE FACE OF ANY VOLUNTEER LICENSE ISSUED PURSUANT
2 TO THIS SECTION.

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

7 (5) ANY PERSON LICENSED UNDER THIS SECTION MAY APPLY TO
8 THE COLORADO PODIATRY BOARD FOR A RETURN TO ACTIVE LICENSURE
9 STATUS BY FILING AN APPLICATION IN THE FORM AND MANNER
10 DESIGNATED BY THE BOARD. THE BOARD MAY APPROVE SUCH
11 APPLICATION AND ISSUE A LICENSE TO PRACTICE PODIATRY OR MAY DENY
12 THE APPLICATION IF THE LICENSEE HAS BEEN DISCIPLINED FOR OR
13 ENGAGED IN ANY OF THE ACTIVITIES SET FORTH IN SECTION 12-32-107.

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

17 **12-32-107.4. Podiatry training license.** (1) THE COLORADO
18 PODIATRY BOARD SHALL ISSUE A PODIATRY TRAINING LICENSE TO AN
19 APPLICANT WHO HAS:

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

22 (b) PASSED THE PART I AND PART II EXAMINATIONS BY THE
23 NATIONAL BOARD OF PODIATRIC MEDICAL EXAMINERS OR ITS SUCCESSOR
24 ORGANIZATION; AND

25 (c) BEEN ACCEPTED INTO A PODIATRIC RESIDENCY PROGRAM IN
26 COLORADO.

27 (2) AT LEAST THIRTY DAYS PRIOR TO THE DATE THE APPLICANT

1 BEGINS THE RESIDENCY PROGRAM, THE APPLICANT SHALL SUBMIT A
2 STATEMENT TO THE COLORADO PODIATRY BOARD FROM THE RESIDENCY
3 DIRECTOR OF AN APPROVED RESIDENCY PROGRAM IN COLORADO THAT
4 STATES THE APPLICANT MEETS THE NECESSARY QUALIFICATIONS AND
5 THAT THE RESIDENCY PROGRAM ACCEPTS RESPONSIBILITY FOR THE
6 APPLICANT'S TRAINING WHILE IN THE PROGRAM.

7 (3) WHERE FEASIBLE, THE APPLICANT SHALL SUBMIT A COMPLETED
8 APPLICATION, ON A FORM APPROVED BY THE COLORADO PODIATRY BOARD,
9 ON OR BEFORE THE DATE ON WHICH THE APPLICANT BEGINS THE APPROVED
10 RESIDENCY. A PODIATRY TRAINING LICENSE GRANTED PURSUANT TO THIS
11 SECTION SHALL EXPIRE IF A COMPLETED APPLICATION IS NOT RECEIVED BY
12 THE BOARD WITHIN SIXTY DAYS AFTER THE APPLICANT BEGINS THE
13 APPROVED RESIDENCY.

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

19 (5) A PERSON WITH A PODIATRIC TRAINING LICENSE SHALL ONLY
20 PRACTICE PODIATRY UNDER THE SUPERVISION OF A LICENSED PODIATRIST
21 OR A PHYSICIAN LICENSED TO PRACTICE MEDICINE WITHIN THE RESIDENCY
22 PROGRAM. A PERSON WITH A PODIATRY TRAINING LICENSE SHALL NOT
23 DELEGATE PODIATRIC OR MEDICAL SERVICES TO A PERSON WHO IS NOT
24 LICENSED TO PRACTICE PODIATRY OR MEDICINE AND SHALL NOT HAVE THE
25 AUTHORITY TO SUPERVISE PHYSICIAN ASSISTANTS.

26 (6) THE PODIATRY TRAINING LICENSE SHALL NOT BE RENEWED AND
27 SHALL EXPIRE:

1 (a) NO LATER THAN THREE YEARS AFTER THE DATE THE LICENSE
2 IS ISSUED;

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

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

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

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

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

26 **SECTION 13.** 12-32-108.3 (2) (a), (3), (8), (9), (10), (11) (a),
27 (11) (b), and (13), Colorado Revised Statutes, are amended, and the said

1 12-32-108.3 is further amended BY THE ADDITION OF A NEW
2 SUBSECTION, to read:

3 **12-32-108.3. Disciplinary action by board.** (2) (a) Complaints
4 in writing relating to the conduct of any podiatrist licensed or authorized
5 to practice podiatry in this state may be made by any person or may be
6 initiated by the Colorado podiatry board on its own motion. The
7 podiatrist complained of shall be given notice by first-class mail of the
8 nature of all matters complained of WITHIN THIRTY DAYS OF THE RECEIPT
9 OF THE COMPLAINT OR INITIATION OF THE COMPLAINT BY THE COLORADO
10 PODIATRY BOARD and shall be given ~~twenty~~ THIRTY days to make
11 explanation or answer thereto.

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

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

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

26 (II) The taking by him OR HER of such therapy or courses of
27 training or education as may be needed to correct deficiencies found

1 either in the hearing or by such examinations;

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

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

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

10 (9) Upon the expiration of the term of suspension, the license shall
11 be reinstated by the Colorado podiatry board if the holder ~~thereof~~ OF THE
12 LICENSE furnishes the board with evidence that he OR SHE has complied
13 with all terms of the suspension. If ~~such~~ THE evidence shows he OR SHE
14 has not complied with all terms of the suspension, the board shall
15 continue the suspension or revoke the license at a hearing, notice of
16 which and the procedure at which shall be as provided in this section.

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

27 (11) (a) If the Colorado podiatry board has reasonable cause to

1 believe that a person licensed to practice podiatry in this state is unable
2 to practice podiatry with reasonable skill and safety to patients because
3 of a condition described in section 12-32-107 (3) (f) or (3) (p), it may
4 require ~~such~~ THE licensee to submit to mental or physical examinations
5 by physicians designated by ~~said~~ THE board. Upon the failure of ~~such~~ THE
6 licensee to submit to ~~such~~ THE mental or physical examinations, unless
7 due to circumstances beyond his OR HER control, the board may suspend
8 ~~such~~ THE licensee's license to practice podiatry in this state until such time
9 as he OR SHE submits to the required examinations and the board has
10 made a determination on the ability of ~~such~~ THE licensee based on the
11 results ~~thereof~~ OF THE EXAMINATIONS. The board shall ensure that all
12 examinations are conducted and evaluated in a timely manner.

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

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

25 (20) THE COLORADO PODIATRY BOARD MAY IMPOSE A FINE, NOT
26 TO EXCEED FIVE THOUSAND DOLLARS, FOR A VIOLATION OF THIS ARTICLE.
27 ALL FINES COLLECTED PURSUANT TO THIS SUBSECTION (20) SHALL BE

1 TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS
2 TO THE GENERAL FUND.

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

5 **12-32-108.3. Disciplinary action by board.** (3) (c) UPON THE
6 FAILURE OF A LICENSEE TO COMPLY WITH ANY CONDITIONS IMPOSED BY
7 THE COLORADO PODIATRY BOARD PURSUANT TO PARAGRAPH (b) OF THIS
8 SUBSECTION (3), UNLESS COMPLIANCE IS BEYOND THE CONTROL OF THE
9 LICENSEE, THE BOARD MAY SUSPEND THE LICENSE OF THE LICENSEE UNTIL
10 THE LICENSEE COMPLIES WITH THE CONDITIONS OF THE BOARD.

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

13 **12-32-108.5. Reconsideration and review of action of board.**
14 (2) Upon the receipt of ~~such~~ THE application, it may be forwarded to the
15 attorney general for such investigation as may be deemed necessary. A
16 copy of the application and the report of investigation shall be forwarded
17 to the board, which shall consider the same and report its findings and
18 conclusions. The proceedings shall be governed by the applicable
19 provisions governing formal hearings in disciplinary proceedings. The
20 attorney general may present evidence bearing upon the matters in issue,
21 and the burden shall be upon the applicant seeking reinstatement to
22 establish the averments of his OR HER application as specified in section
23 24-4-105 (7), C.R.S. No application for reinstatement or for modification
24 of a prior order shall be accepted unless the applicant deposits with the
25 board all amounts unpaid under any prior order of the board.

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

1 **12-32-109. Unauthorized practice - penalties.** (2) No person
2 shall advertise in any form or hold himself OR HERSELF out to the public
3 as a podiatrist, or, in any sign or any advertisement, use the word
4 "podiatrist", "foot specialist", "foot correctionist", "foot expert",
5 "practipedist", "podologist", or any other terms or letters indicating or
6 implying that he OR SHE is a podiatrist or that he OR SHE practices or holds
7 himself OR HERSELF out as practicing podiatry or foot correction in any
8 manner, without having, at the time of so doing, a valid, unsuspended,
9 and unrevoked license as required by this article.

10 (3) No podiatrist shall willfully cause the public to believe that he
11 OR SHE has qualifications extending beyond the limits of this article, and
12 no podiatrist shall willfully sign his OR HER name using the prefix
13 "Doctor" or "Dr." without following his OR HER name with "podiatrist",
14 "Doctor of Podiatric Medicine", or "D.P.M.". No podiatrist shall use the
15 title "podiatric physician" unless such title is followed by the words
16 "practice limited to treatment of the foot and ankle".

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

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

23 **12-32-109.3. Use of physician assistants.** (1) A person licensed
24 under the laws of this state to practice podiatry may delegate to a
25 physician assistant licensed by the Colorado state board of medical
26 examiners pursuant to section 12-36-106 (5) the authority to perform acts
27 ~~which~~ THAT constitute the practice of podiatry to the extent and in the

1 manner authorized by rules and regulations promulgated by the Colorado
2 podiatry board. ~~including the authority to prescribe, on a case-by-case~~
3 ~~basis and per-patient-visit basis as approved by the supervising podiatrist,~~
4 ~~and dispense only such drugs as designated by the Colorado podiatry~~
5 ~~board.~~ Such acts shall be consistent with sound practices of podiatry.
6 Each prescription issued by a physician assistant shall have imprinted
7 ~~thereon the name of his supervising podiatrist, and under no~~
8 ~~circumstances shall a physician assistant write prescriptions unless~~
9 ~~countersigned by the supervising podiatrist~~ THE NAME OF HIS OR HER
10 SUPERVISING PODIATRIST PRINTED ON THE PRESCRIPTION. Nothing in this
11 section shall limit the ability of otherwise licensed health personnel to
12 perform delegated acts. The dispensing of prescription medication by a
13 physician assistant shall be subject to the provisions of section 12-22-121
14 (6).

15 **SECTION 18.** 12-32-109.5 (1) (e), the introductory portion to
16 12-32-109.5 (1) (g), and 12-32-109.5 (3), Colorado Revised Statutes, are
17 amended to read:

18 **12-32-109.5. Professional service corporations, limited liability**
19 **companies, and registered limited liability partnerships for the**
20 **practice of podiatry - definitions.** (1) Persons licensed to practice
21 podiatry by the Colorado podiatry board may form professional service
22 corporations for the practice of podiatry under the "Colorado Corporation
23 Code", if such corporations are organized and operated in accordance
24 with the provisions of this section. The articles of incorporation of such
25 corporations shall contain provisions complying with the following
26 requirements:

27 (e) Provisions shall be made requiring any shareholder who ceases

1 to be or for any reason is ineligible to be a shareholder to dispose of all
2 his OR HER shares ~~forthwith~~ IMMEDIATELY, either to the corporation or to
3 any person having the qualifications described in paragraph (d) of this
4 subsection (1).

5 (g) The articles of incorporation shall provide and all shareholders
6 of the corporation shall agree that all shareholders of the corporation shall
7 be jointly and severally liable for all acts, errors, and omissions of the
8 employees of the corporation or that all shareholders of the corporation
9 shall be jointly and severally liable for all acts, errors, and omissions of
10 the employees of the corporation except during periods of time when each
11 person licensed by the Colorado podiatry board to practice podiatry in
12 Colorado who is a shareholder or any employee of the corporation has a
13 professional liability policy insuring himself OR HERSELF and all
14 employees who are not licensed to practice podiatry who act at his OR HER
15 direction in the amount of fifty thousand dollars for each claim and an
16 aggregate top limit of liability per year for all claims of one hundred fifty
17 thousand dollars or the corporation maintains in good standing
18 professional liability insurance, which shall meet the following minimum
19 standards:

20 (3) Nothing in this section shall be deemed to diminish or change
21 the obligation of each person licensed to practice podiatry employed by
22 the corporation to conduct his OR HER practice in accordance with the
23 standards of professional conduct provided for in section 12-32-107 (3).
24 Any person licensed by the Colorado podiatry board to practice podiatry
25 who by act or omission causes the corporation to act or fail to act in a way
26 ~~which~~ THAT violates such standards of professional conduct, including
27 any provision of this section, shall be deemed personally responsible for

1 such THE act or omission and shall be subject to discipline therefor FOR
2 THE ACT OR OMISSION.

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

5 **12-32-111. Renewal of license.** (1) (a) The Colorado podiatry
6 board shall set reasonable continuing education requirements for renewal
7 of license, but in no event shall the board require more than fourteen
8 hours' credit of continuing education per year. A podiatrist desiring to
9 renew his OR HER license to practice podiatry shall submit to the Colorado
10 podiatry board the information the board believes necessary to show that
11 he OR SHE has fulfilled the board's continuing education requirements and
12 a fee to be determined and collected pursuant to section 24-34-105,
13 C.R.S.

14 (b) ON OR BEFORE THE 2013 PODIATRIST LICENSE RENEWAL CYCLE,
15 THE COLORADO PODIATRY BOARD SHALL PROMULGATE RULES AND
16 IMPLEMENT AN ONGOING PROFESSIONAL DEVELOPMENT PROGRAM THAT
17 SHALL BE DEVELOPED IN CONJUNCTION WITH STATEWIDE PROFESSIONAL
18 ASSOCIATIONS THAT REPRESENT PODIATRISTS. THE PROFESSIONAL
19 DEVELOPMENT PROGRAM MAY INCLUDE THE CONTINUING EDUCATION
20 REQUIREMENTS IN PARAGRAPH (a) OF THIS SUBSECTION (1).

21 (1.5) THE BOARD SHALL ESTABLISH A QUESTIONNAIRE TO
22 ACCOMPANY THE RENEWAL FORM. THE QUESTIONNAIRE SHALL BE
23 DESIGNED TO DETERMINE IF THE LICENSEE HAS ACTED IN VIOLATION OF, OR
24 HAS BEEN DISCIPLINED FOR ACTIONS THAT MIGHT BE CONSTRUED AS
25 VIOLATIONS OF, THIS ARTICLE OR THAT MAY MAKE THE LICENSEE UNFIT TO
26 PRACTICE PODIATRY WITH REASONABLE CARE AND SAFETY. THE FAILURE
27 OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE ACCURATELY SHALL

1 CONSTITUTE UNPROFESSIONAL CONDUCT PURSUANT TO SECTION
2 12-32-107.

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

7 (3) ~~Any license issued by the Colorado podiatry board shall expire
8 for failure of the licensee to timely renew his license pursuant to the rules
9 and regulations established by the board, including the payment of all
10 required fees. Upon compliance with the applicable rules and regulations
11 regarding renewal and payment of fees, the expired license shall be
12 reinstated.~~

13 (4) RENEWAL OR REINSTATEMENT OF A LICENSE SHALL BE
14 PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE
15 DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY
16 AGENCIES, AND A LICENSE SHALL BE RENEWED OR REINSTATED PURSUANT
17 TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH
18 RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT
19 TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER
20 LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR,
21 THE LICENSE SHALL EXPIRE. A PERSON WHOSE LICENSE HAS EXPIRED
22 SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR IN
23 SECTION 24-34-102 (8), C.R.S. THE BOARD SHALL ESTABLISH THE
24 CRITERIA FOR REINSTATEMENT OF A LICENSE.

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

27 **12-32-114. Duplicates of license.** The Colorado podiatry board

1 is authorized to issue a duplicate license to any person to whom a license
2 to practice podiatry in this state has been issued, upon application,
3 properly verified by oath, establishing to the satisfaction of the board that
4 the original license has been lost or destroyed and upon payment to the
5 board of a fee to be determined by ~~regulation~~ RULE adopted by the board.
6 No person shall be entitled to a duplicate license unless he OR SHE is a
7 licensee in good standing.

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

10 **12-32-115. Procedure - registration - fees.** ~~(1)(a) The Colorado~~
11 ~~podiatry board shall establish procedures for the maintenance of licensee~~
12 ~~lists and the establishment of renewal fees and schedules, which fees and~~
13 ~~schedules shall be established subject to the provisions of section~~
14 ~~24-34-102 (8), C.R.S. Every licensee shall pay the secretary a registration~~
15 ~~fee to be determined and collected pursuant to section 24-34-105, C.R.S.,~~
16 ~~and shall obtain a registration certificate for the current calendar year.~~

17 ~~(b) A licensee desiring to obtain a registration certificate shall~~
18 ~~submit the information necessary to show that he has fulfilled the~~
19 ~~Colorado podiatry board's continuing education requirements. Any~~
20 ~~licensee aggrieved by a decision relating to such continuing education~~
21 ~~requirements may ask the executive director of the department of~~
22 ~~regulatory agencies to review such requirements in accordance with the~~
23 ~~procedures established by section 24-34-102 (11), C.R.S.~~

24 ~~(2) (a) The secretary shall mail to each such licensee, at his last~~
25 ~~address as shown by the records of the Colorado podiatry board, notice~~
26 ~~of the provisions of paragraph (a) of subsection (1) of this section~~
27 ~~together with such form of application for registration as may be~~

1 prescribed by the board. Failure of any licensee to pay the registration fee
2 authorized by paragraph (a) of subsection (1) of this section shall cause
3 any such license to lapse, and the name of any lapsed licensee shall be
4 omitted from such list.

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

12 (3) ~~Renewal or reinstatement of a license shall be pursuant to a~~
13 ~~schedule established by the director of the division of registrations within~~
14 ~~the department of regulatory agencies and shall be renewed or reinstated~~
15 ~~pursuant to section 24-34-102 (8), C.R.S. The director of the division of~~
16 ~~registrations within the department of regulatory agencies may establish~~
17 ~~renewal fees and delinquency fees for reinstatement pursuant to section~~
18 ~~24-34-105, C.R.S. If a person fails to renew his or her license pursuant~~
19 ~~to the schedule established by the director of the division of registrations,~~
20 ~~such license shall expire. Any person whose license has expired shall be~~
21 ~~subject to the penalties provided in this article or section 24-34-102 (8),~~
22 ~~C.R.S. The board shall establish the criteria for reinstatement of a~~
23 ~~license.~~

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

26 **12-32-116. Certification of licensing.** ~~Upon request therefor and~~
27 ~~the payment of a fee determined pursuant to section 24-34-105, C.R.S.,~~

1 the secretary of the Colorado podiatry board shall issue its certificate or
2 endorsement with respect to the licensing of, and the official record of the
3 board relating to, any licensee to whom a license to practice podiatry in
4 this state has been issued by this or any prior board; and, upon request
5 therefor and the payment of a fee determined pursuant to section
6 24-34-105, C.R.S., the secretary shall issue a certificate evidencing that
7 any such licensee is duly licensed to practice podiatry in this state.

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

10 **12-32-118. Recovery of fees illegally paid.** If any licensee, in
11 violation of section 12-32-117, divides or agrees to divide any fee or
12 compensation received by him OR HER for services rendered in his OR HER
13 professional capacity with any person, ~~whomsoever~~, the person who has
14 paid such fee or compensation to ~~such~~ THE licensee may recover the
15 amount unlawfully paid or agreed to be paid from either the licensee or
16 from the person to whom ~~such~~ THE fee or compensation has been paid, by
17 an action to be instituted within two years ~~from~~ AFTER the date on which
18 ~~such~~ THE fee or compensation was ~~so~~ divided or agreed to be divided.

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

21 **12-32-119. Existing licenses and proceedings.** ~~(1) Nothing in~~
22 ~~the act contained in chapter 105, Session Laws of Colorado 1979, shall~~
23 ~~be construed to invalidate the license of any person holding a valid,~~
24 ~~unrevoked, and unsuspended license on June 30, 1979, to practice~~
25 ~~podiatry in this state or to affect any disciplinary proceeding or appeal~~
26 ~~pending on June 30, 1979, or any appointment to the Colorado state board~~
27 ~~of medical examiners or the Colorado podiatry board or an inquiry panel~~

1 or hearings panel thereof made on or before June 30, 1979.

2 (2) Nothing in the act contained in chapter 107, Session Laws of
3 Colorado 1985, shall be construed to invalidate the license of any person
4 holding a valid, unrevoked, and unsuspended license on June 30, 1985,
5 to practice podiatry in this state or to affect any disciplinary proceeding
6 or appeal pending on June 30, 1985, or any appointment to the Colorado
7 state board of medical examiners or the Colorado podiatry board or any
8 inquiry panel or hearings panel thereof made on or before June 30, 1985.

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

11 **19-3-304. Persons required to report child abuse or neglect.**

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

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

15 **SECTION 26. Appropriation.** (1) In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys in the
17 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
18 Colorado Revised Statutes, not otherwise appropriated, to the department
19 of regulatory agencies, for allocation to the division of registrations, for
20 the fiscal year beginning July 1, 2010, the sum of three thousand one
21 hundred forty-nine dollars (\$3,149) cash funds, or so much thereof as may
22 be necessary, for the implementation of this act.

23 (2) In addition to any other appropriation, there is hereby
24 appropriated to the department of law, for the fiscal year beginning July
25 1, 2010, the sum of two thousand two hundred sixty-one dollars (\$2,261),
26 or so much thereof as may be necessary, for the provision of legal
27 services to the department of regulatory agencies related to the

1 implementation of this act. Said sum shall be from reappropriated funds
2 received from the department of regulatory agencies out of the
3 appropriation made in subsection (1) of this section.

4 **SECTION 27. Specified effective date.** This act shall take effect
5 July 1, 2010.

6 **SECTION 28. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.