

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading 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

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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  
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.

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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.