

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0354.01 Yelana Love x2295

SENATE BILL 19-153

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SENATE SPONSORSHIP

Fields,

HOUSE SPONSORSHIP

Kipp,

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Senate Committees  
Health & Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE COLORADO PODIATRY  
102 BOARD, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE  
103 RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET REPORT  
104 BY THE DEPARTMENT OF REGULATORY AGENCIES.

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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://leg.colorado.gov/>.)*

**Sunset Process - Senate Health and Human Services Committee.** The bill implements the recommendations of the department of regulatory agencies' sunset review and report on the regulatory

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

functions of the Colorado podiatry board (board) as follows:

- ! Continues the regulation of podiatrists for 7 years, until September 1, 2026 (**sections 1 and 2** of the bill);
- ! Requires a podiatrist to notify the board of a physical illness, physical condition, or behavioral or mental health disorder that affects the podiatrist's ability to practice and allows the podiatrist and the board to enter into a confidential agreement to limit the podiatrist's practice based on the illness, condition, or disorder (**sections 4 and 6**);
- ! Specifies that the passage of an examination approved by the board is required for initial licensure as a podiatrist (**section 3**); and
- ! Eliminates the requirement that the board send letters of admonition by certified mail (**section 5**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**  
3 (16)(a)(VI); and **add** (27)(a)(VIII) as follows:

4 **24-34-104. General assembly review of regulatory agencies**  
5 **and functions for repeal, continuation, or reestablishment - legislative**  
6 **declaration - repeal.** (16) (a) The following agencies, functions, or both,  
7 will repeal on July 1, 2019:

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

10 (27) (a) The following agencies, functions, or both, are scheduled  
11 for repeal on September 1, 2026:

12 (VIII) ~~THE COLORADO PODIATRY BOARD CREATED IN ARTICLE 32~~  
13 ~~OF TITLE 12.~~

14 **SECTION 2.** In Colorado Revised Statutes, 12-32-103, **amend**  
15 (4) as follows:

16 **12-32-103. Appointment of members of podiatry board - terms**  
17 **- repeal of article.** (4) (a) ~~The provisions of section 24-34-104, C.R.S.,~~

1 ~~concerning the termination schedule for regulatory bodies of the state~~  
2 ~~unless extended as provided in that section, are applicable to the Colorado~~  
3 ~~podiatry board created by this section.~~

4 ~~(b) This article is repealed, effective July 1, 2019~~ THIS ARTICLE 32  
5 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026. BEFORE THE REPEAL, THIS  
6 ARTICLE 32 IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION  
7 24-34-104.

8 **SECTION 3.** In Colorado Revised Statutes, 12-32-105, **amend**  
9 (1) introductory portion and (1)(c); and **add** (1)(c.5) as follows:

10 **12-32-105. Examination as to qualifications.** (1) Every person  
11 desiring to practice podiatry in this state shall be examined as to his or her  
12 qualifications, except as otherwise provided in this ~~article~~ ARTICLE 32.  
13 Each applicant shall submit, in a manner approved by the Colorado  
14 podiatry board, an application containing satisfactory proof that ~~said~~ THE  
15 applicant:

16 (c) Has completed one year of a residency program approved by  
17 the Colorado podiatry board as established by rules promulgated by the  
18 board; ~~and~~

19 (c.5) HAS PASSED AN EXAMINATION APPROVED BY THE COLORADO  
20 PODIATRY BOARD AS ESTABLISHED BY RULES PROMULGATED BY THE  
21 BOARD; AND

22 **SECTION 4.** In Colorado Revised Statutes, 12-32-107, **amend**  
23 (3) introductory portion and (3)(p) as follows:

24 **12-32-107. Issuance, revocation, or suspension of license -**  
25 **probation - immunity in professional review.** (3) "Unprofessional  
26 conduct" as used in this ~~article~~ ARTICLE 32 means:

27 (p) ~~Such physical or mental disability as to render the licensee~~

1 ~~unable to perform podiatry with reasonable skill and with safety to the~~  
2 ~~patient~~; FAILING TO:

3 (I) NOTIFY THE COLORADO PODIATRY BOARD, AS REQUIRED BY  
4 SECTION 12-32-120 (1), OF A PHYSICAL ILLNESS, PHYSICAL CONDITION, OR  
5 BEHAVIORAL OR MENTAL HEALTH DISORDER THAT AFFECTS THE  
6 PODIATRIST'S ABILITY TO PRACTICE PODIATRIC MEDICINE WITH  
7 REASONABLE SKILL AND SAFETY TO PATIENTS;

8 (II) ACT WITHIN THE LIMITATIONS CREATED BY A PHYSICAL  
9 ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH  
10 DISORDER THAT RENDERS THE PODIATRIST UNABLE TO PRACTICE  
11 PODIATRIC MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS;  
12 OR

13 (III) COMPLY WITH THE LIMITATIONS AGREED TO UNDER A  
14 CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION 12-32-120  
15 (2);

16 **SECTION 5.** In Colorado Revised Statutes, 12-32-108.3, **amend**  
17 (2)(c)(III)(A) and (2)(c)(III)(B) as follows:

18 **12-32-108.3. Disciplinary action by board.** (2) (c) On  
19 completion of an investigation, the board shall make a finding that:

20 (III) (A) When a complaint or investigation discloses an instance  
21 of misconduct that, in the opinion of the board, does not warrant formal  
22 action by the board but that should not be dismissed as being without  
23 merit, THE BOARD MAY ISSUE a letter of admonition ~~may be issued and~~  
24 ~~sent, by certified mail,~~ to the licensee.

25 (B) When THE BOARD ISSUES a letter of admonition ~~is sent by the~~  
26 ~~board, by certified mail,~~ to a licensee, ~~such~~ THE BOARD SHALL NOTIFY THE  
27 licensee ~~shall be advised that he or she has the~~ OF THE LICENSEE'S right to

1 request in writing, within twenty days after receipt of the letter, that  
2 formal disciplinary proceedings be initiated to adjudicate the propriety of  
3 the conduct upon which the letter of admonition is based.

4 **SECTION 6.** In Colorado Revised Statutes, **add** 12-32-120 as  
5 follows:

6 **12-32-120. Confidential agreements to limit practice -**  
7 **violation grounds for discipline.** (1) IF A PODIATRIST SUFFERS FROM A  
8 PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL  
9 HEALTH DISORDER THAT RENDERS THE PODIATRIST UNABLE TO PRACTICE  
10 PODIATRIC MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS,  
11 THE PODIATRIST SHALL NOTIFY THE COLORADO PODIATRY BOARD OF THE  
12 PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL  
13 HEALTH DISORDER IN A MANNER AND WITHIN A PERIOD DETERMINED BY  
14 THE BOARD. THE BOARD MAY REQUIRE THE PODIATRIST TO SUBMIT TO AN  
15 EXAMINATION TO EVALUATE THE EXTENT OF THE PHYSICAL ILLNESS,  
16 PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH DISORDER AND  
17 ITS EFFECT ON THE PODIATRIST'S ABILITY TO PRACTICE WITH REASONABLE  
18 SKILL AND SAFETY TO PATIENTS.

19 (2) (a) UPON DETERMINING THAT A PODIATRIST WITH A PHYSICAL  
20 ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH  
21 DISORDER IS ABLE TO RENDER LIMITED PODIATRIC MEDICINE SERVICES  
22 WITH REASONABLE SKILL AND SAFETY TO PATIENTS, THE BOARD MAY  
23 ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE PODIATRIST IN WHICH  
24 THE PODIATRIST AGREES TO LIMIT THE PODIATRIST'S PRACTICE BASED ON  
25 THE RESTRICTIONS IMPOSED BY THE PHYSICAL ILLNESS, PHYSICAL  
26 CONDITION, OR BEHAVIORAL OR MENTAL HEALTH DISORDER, AS  
27 DETERMINED BY THE BOARD.

1 (b) THE AGREEMENT MUST SPECIFY THAT THE PODIATRIST IS  
2 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED  
3 APPROPRIATE BY THE BOARD.

4 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS  
5 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF  
6 MONITORING.

7 (3) BY ENTERING INTO AN AGREEMENT WITH THE BOARD  
8 PURSUANT TO THIS SECTION TO LIMIT THE PODIATRIST'S PRACTICE, THE  
9 PODIATRIST IS NOT ENGAGING IN UNPROFESSIONAL CONDUCT. THE  
10 AGREEMENT IS AN ADMINISTRATIVE ACTION AND DOES NOT CONSTITUTE  
11 A RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER, IF THE  
12 PODIATRIST FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT  
13 ENTERED INTO PURSUANT TO THIS SECTION, THE FAILURE CONSTITUTES  
14 UNPROFESSIONAL CONDUCT PURSUANT TO SECTION 12-32-107 (3)(p), AND  
15 THE PODIATRIST IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION  
16 12-32-108.3.

17 (4) THIS SECTION DOES NOT APPLY TO A PODIATRIST SUBJECT TO  
18 DISCIPLINE FOR UNPROFESSIONAL CONDUCT AS DESCRIBED IN SECTION  
19 12-32-107 (3)(f).

20 **SECTION 7. Effective date.** This act takes effect July 1, 2019.

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