

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 20, 2019

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB19-153 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 6, strike line 20 and substitute:

2 "SECTION 7. In Colorado Revised Statutes, **add** 12-32-120 as
3 follows:

4 **12-32-120. Bone marrow aspirations from the tibia.** (1) THE
5 BOARD MAY PERMIT A PODIATRIST TO PERFORM BONE MARROW
6 ASPIRATIONS FROM THE TIBIA DISTAL TO THE TIBIAL TUBERCLE IF THE
7 PODIATRIST:

8 (a) HAS SUCCESSFULLY COMPLETED A PODIATRIC SURGERY
9 RESIDENCY WITH THE RECONSTRUCTION REARFOOT/ANKLE SURGERY
10 CERTIFICATION; AND

11 (b) IS IN GOOD STANDING WITH THE BOARD.

12 **SECTION 8.** In Colorado Revised Statutes, **add to article 290**
13 **as relocated by House Bill 19-1172** 12-290-123 as follows:

14 **12-290-123. Bone marrow aspirations from the tibia.** (1) THE
15 BOARD MAY PERMIT A PODIATRIST TO PERFORM BONE MARROW
16 ASPIRATIONS FROM THE TIBIA DISTAL TO THE TIBIAL TUBERCLE IF THE
17 PODIATRIST:

18 (a) HAS SUCCESSFULLY COMPLETED A PODIATRIC SURGERY
19 RESIDENCY WITH THE RECONSTRUCTION REARFOOT/ANKLE SURGERY
20 CERTIFICATION; AND

21 (b) IS IN GOOD STANDING WITH THE BOARD.

22 **SECTION 9.** In Colorado Revised Statutes, 12-30-108, **repeal**
23 **as relocated by House Bill 19-1172** (4)(a)(I)(F) as follows:

24 **12-30-108. Confidential agreement to limit practice - violation**

1 **grounds for discipline.** (4) (a) This section does not apply to:
2 (I) The following health care professionals:
3 (F) ~~Podiatrists regulated pursuant to article 290 of this title 12;~~
4 **SECTION 10.** In Colorado Revised Statutes, 12-290-105, **amend**
5 **as relocated by House Bill 19-1172** (4) as follows:
6 **12-290-105. Appointment of members of podiatry board -**
7 **terms - repeal of article.** (4) This article 290 is repealed, effective July
8 ~~1, 2019~~ SEPTEMBER 1, 2026. Before the repeal, the functions of the board
9 are scheduled for review in accordance with section 24-34-104.
10 **SECTION 11.** In Colorado Revised Statutes, 12-290-107, **amend**
11 **as relocated by House Bill 19-1172** (1)(c); and **add** (1)(c.5) as follows:
12 **12-290-107. Examination as to qualifications - rules.** (1) Every
13 person desiring to practice podiatry in this state shall be examined as to
14 the person's qualifications, except as otherwise provided in this article
15 290. Each applicant shall submit, in a manner approved by the board, an
16 application containing satisfactory proof that the applicant:
17 (c) Has completed one year of a residency program approved by
18 the board as established by rules promulgated by the board; ~~and~~
19 (c.5) HAS PASSED AN EXAMINATION APPROVED BY THE BOARD AS
20 ESTABLISHED BY RULES PROMULGATED BY THE BOARD; AND
21 **SECTION 12.** In Colorado Revised Statutes, 12-290-108, **amend**
22 **as relocated by House Bill 19-1172** (3)(j) as follows:
23 **12-290-108. Issuance, revocation, or suspension of license -**
24 **probation - unprofessional conduct - definitions - immunity in**
25 **professional review.** (3) "Unprofessional conduct" as used in this article
26 290 means:
27 (j) ~~The physical or mental disability as to render the licensee~~
28 ~~unable to perform podiatry with reasonable skill and with safety to the~~
29 ~~patient;~~ FAILING TO:
30 (I) NOTIFY THE BOARD OF A PHYSICAL ILLNESS, PHYSICAL
31 CONDITION, OR BEHAVIORAL OR MENTAL HEALTH DISORDER THAT AFFECTS
32 THE PODIATRIST'S ABILITY TO PRACTICE PODIATRIC MEDICINE WITH
33 REASONABLE SKILL AND SAFETY TO PATIENTS;
34 (II) ACT WITHIN THE LIMITATIONS CREATED BY A PHYSICAL
35 ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH
36 DISORDER THAT RENDERS THE PODIATRIST UNABLE TO PRACTICE
37 PODIATRIC MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS;
38 OR
39 (III) COMPLY WITH THE LIMITATIONS AGREED TO UNDER A
40 CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION 12-290-123.
41 **SECTION 13.** In Colorado Revised Statutes, 12-290-113, **amend**

1 as relocated by House Bill 19-1172 (2)(c)(III) as follows:
2 **12-290-113. Disciplinary action by board.** (2) (c) On
3 completion of an investigation, the board shall make a finding that:
4 (III) The complaint or investigation discloses an instance of
5 misconduct that, in the opinion of the board, does not warrant formal
6 action by the board but that should not be dismissed as being without
7 merit, in which case the board may ~~send~~ **ISSUE** a letter of admonition ~~by~~
8 ~~certified mail~~ to the licensee in accordance with section 12-20-404 (4);
9 **SECTION 14.** In Colorado Revised Statutes, **add to article 290**
10 **as relocated by House Bill 19-1172** 12-290-123 as follows:
11 **12-290-123. Confidential agreements to limit practice -**
12 **violation grounds for discipline.** (1) EXCEPT AS SPECIFIED IN
13 SUBSECTION (2) OF THIS SECTION, SECTION 12-30-108 CONCERNING
14 CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE APPLIES TO THIS ARTICLE
15 290.
16 (2) THIS SECTION AND SECTION 12-30-108 DO NOT APPLY TO A
17 LICENSEE SUBJECT TO DISCIPLINE UNDER SECTION 12-290-108 (3)(c).
18 **SECTION 15. Effective date.** This act takes effect July 1, 2019;
19 except that sections 8 through 14 of this act take effect only if House Bill
20 19-1172 becomes law, in which case sections 8 through 14 take effect
21 October 1, 2019."
22 Renumber succeeding section accordingly.

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