SENATE COMMITTEE OF REFERENCE REPORT

March 20, 2019

Chair of Committee

Date

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:

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

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

12-32-120. Bone marrow aspirations from the tibia. (1) The board may permit a podiatrist to perform bone marrow aspirations from the tibia distal to the tibial tubercle if the podiatrist:

(a) Has successfully completed a podiatric surgery residency with the reconstruction rearfoot/ankle surgery certification; and

(b) Is in good standing with the board.

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

12-290-123. Bone marrow aspirations from the tibia. (1) The board may permit a podiatrist to perform bone marrow aspirations from the tibia distal to the tibial tubercle if the podiatrist:

(a) Has successfully completed a podiatric surgery residency with the reconstruction rearfoot/ankle surgery certification; and

(b) Is in good standing with the board.

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

12-30-108. Confidential agreement to limit practice - violation
grounds for discipline. (4) (a) This section does not apply to:
   (I) The following health care professionals:
   (F) Podiatrists regulated pursuant to article 290 of this title;

SECTION 10. In Colorado Revised Statutes, 12-290-105, amend
as relocated by House Bill 19-1172 (4) as follows:
12-290-105. Appointment of members of podiatry board -
terms - repeal of article. (4) This article 290 is repealed, effective July
1, 2019 SEPTEMBER 1, 2026. Before the repeal, the functions of the board
are scheduled for review in accordance with section 24-34-104.

SECTION 11. In Colorado Revised Statutes, 12-290-107, amend
as relocated by House Bill 19-1172 (1)(c); and add (1)(c.5) as follows:
12-290-107. Examination as to qualifications - rules. (1) Every
person desiring to practice podiatry in this state shall be examined as to
the person's qualifications, except as otherwise provided in this article
290. Each applicant shall submit, in a manner approved by the board, an
application containing satisfactory proof that the applicant:
   (c) Has completed one year of a residency program approved by
the board as established by rules promulgated by the board; and
   (c.5) HAS PASSED AN EXAMINATION APPROVED BY THE BOARD AS
ESTABLISHED BY RULES PROMULGATED BY THE BOARD; AND

SECTION 12. In Colorado Revised Statutes, 12-290-108, amend
as relocated by House Bill 19-1172 (3)(j) as follows:
12-290-108. Issuance, revocation, or suspension of license -
probation - unprofessional conduct - definitions - immunity in
professional review. (3) "Unprofessional conduct" as used in this article
290 means:
   (j) The physical or mental disability as to render the licensee
unable to perform podiatry with reasonable skill and with safety to the
patient; Failing to:
      (I) Notify the board of a physical illness, physical
condition, or behavioral or mental health disorder that affects
the podiatrist's ability to practice podiatric medicine with
reasonable skill and safety to patients;
      (II) Act within the limitations created by a physical
illness, physical condition, or behavioral or mental health
disorder that renders the podiatrist unable to practice
podiatric medicine with reasonable skill and safety to patients;
or
      (III) Comply with the limitations agreed to under a
confidential agreement entered pursuant to section 12-290-123.

SECTION 13. In Colorado Revised Statutes, 12-290-113, amend
as relocated by House Bill 19-1172 (2)(c)(III) as follows:

12-290-113. Disciplinary action by board. (2) (c) On completion of an investigation, the board shall make a finding that:

(III) The complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, in which case the board may send a letter of admonition by certified mail to the licensee in accordance with section 12-20-404 (4);

SECTION 14. In Colorado Revised Statutes, add to article 290 as relocated by House Bill 19-1172 12-290-123 as follows:

12-290-123. Confidential agreements to limit practice - violation grounds for discipline. (1) Except as specified in subsection (2) of this section, section 12-30-108 concerning confidential agreements to limit practice applies to this article 290.

(2) This section and section 12-30-108 do not apply to a licensee subject to discipline under section 12-290-108 (3)(c).

SECTION 15. Effective date. This act takes effect July 1, 2019; except that sections 8 through 14 of this act take effect only if House Bill 19-1172 becomes law, in which case sections 8 through 14 take effect October 1, 2019."

Renumber succeeding section accordingly.